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# JOURNAL

OF THE

# PROCEEDINGS

IN THE

# CONSTITUTIONAL CONVENTION

OF THE

# STATE OF MISSISSIPPI.

1868.

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PRINTED BY ORDER OF THE CONVENTION.

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# JOURNAL

OF THE

# Constitutional Convention

OF THE

# STATE OF MISSISSIPPI.

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## FIRST DAY.

Jackson, Miss., Tuesday, January 7th, 1868.

The Convention was called to order at 11 o'clock, A. M., by Jere Hauser, of Kemper.

On motion of Jere Hauser, of Kemper, Alston Mygatt, of Warren, was elected President *pro tem.*, and on taking the chair, addressed the Convention as follows:

*Gentlemen of the Convention*—The hour for our assembling has arrived—the hour that our Registrars have so long toiled to bring about—the hour that all loyal men of this State have labored to hasten, and now rejoice to behold—the hour that all opponents of reconstruction, and a disloyal press, have striven hard to prevent, has come. This hour brings to a final end that system that enriches the few at the expense of the many—that system that hindered the growth of towns and cities, and built up large landed aristocracies—that system that discouraged agricultural improvements, and mechanic arts—that destroyed free schools, and demoralized church and State, has come to an end. The last sand has fallen from the glass of old-time dispensations, and they have gone to return no more forever. We meet, then, in this culminating hour, under circumstances of great responsibility.

Two points of time are important in our history—the day this State seceded, and the day of our assembling to effect her return. It is a notable fact—a remarkable coincidence—that six years ago, this day, in this hall, the sword of treason, by an act of secession, tore this State from its peaceful position, and sent it adrift on the dark and unknown sea of blood and ruin. What language can depict its flowing results? More than thirty thousand brave men gallantly fought for an ignoble cause, and went down to the soldier's grave. Who shall measure the anguish of the thousands of widows and orphans who lost a husband, father, protector, and were left with shattered fortunes, to buffet alone the pitiless storms of life? Behold the desolating war-path, and the vast wealth scattered to the winds! And why all this? A causeless cause—a cause whose very success would have proved our direst calamity. It had its origin in no necessity—no reasonable hope for bettering our condition. It had its origin in the mad ambition of a few, and the slaveocratic love of praise and gain of a still larger class—both leading the deceived masses along the pathway of ruin. God, in His over-ruling Providence, often brings good out of evil. This desolating war has wrought out mighty changes, which shall in the future, prove great blessings to all classes. The destruction of the life-shortning influence of slavery may have its compensating value in saving more from an untimely grave, in the long run, than the war has destroyed. Let the blood of the thousands of lost soldiers cry out against those who signed that treasonable instrument; let the scalding tears of the widow and the orphan burn upon their consciences; let the wrecks of thousands of thousands of ruined fortunes protest against them; and save those who aided reconstruction; let this Convention place them on their disfranchised list.

We have met to perform a solemn duty. Let us lay aside all malice, undue partizan feelings, and form a Constitution that shall render equal and exact justice to all. Loyal men, irrespective of race or color, shall be protected. In the matter of suffrage, we shall doubtless carry out the views of Congress.

We hope to form a Constitution founded in so much wisdom and justice, that it shall meet the approval of good and loyal men everywhere, be ratified by the people, received by Congress, and respected by future generations. Under its benign inflence confidence shall be restored, capital shall come from abroad and seek investment; the stream of immigration shall flow in upon us seeking our genial climate and fertile soil; large landed estates shall melt away into small divisions, thus densifying population; cities shall grow, towns spring up, mechanism flourish, agriculture become scientific, internal improvements be pushed on, free schools flourish in every district, and loyal men rule. Could the recording angel unroll the scroll of the future for an hundred years, the boldest flight of imagination would be tame before those living realities.

I feel the pressure of our solemn surroundings. Nine sister States, in like condition, are watching our course with intense interest. The wires shall flash from day to day to every loyal State and to our noble Congress. Our enemies predicted a failure. And shall we fail? Not all the powers of an apostate President, with all his official sympathisers, and the power of a hostile press, and the bitter opponents of reconstruction shall cause us to fail. But if we descend to wicked compromises, time-serving expedients, then we shall fail, and our work shall perish. But if we plant on the firm basis of truth and justice to all, irrespective of race or color, the gates of hell shall not prevail against us. God, in His Providence, will not permit us to fail. The over-ruling Providence, as a cloudy, fiery pillar, that brought us through the Red Sea, passed the thunders of Mount Sinai into the political wilderness, shall guide us all the journey through. Soon we shall cross the Jordan of our difficulties, and before the glad shouts of our loyal hosts, the walls of rebellion shall fall, and their giant leaders, with their train of mourners over the "lost cause" shall flee away. The Great Jehovah who rules on high and directs the affairs of men—who sets up and casts down whom He will, and whose blazing eye penetrates the universe, beholding the evil and the good, and rests on us individually and collectively, will hold us responsible for this our solemn trust.

On motion of E. J. Castillo, of Adams, Charles W. Clarke, of Yazoo, was elected Secretary *pro tem.*

On motion of Mr. Parsons, of Adams, E. A. Peyton, of Hinds, was elected Sergeant-at-Arms *pro tem.*

On motion of G. C. McKee, of Warren, prayer was then offered by the Rev. L. Williams, jr.

Henry Mayson, of Hinds, moved that the Secretary be directed to read General Orders No. 42, Head Quarter Fourth Military District, convening the Convention, the members present answering to their names;

Which was carried.

The following delegates answered to their names:

Messrs. E. J. Castello, H. P. Jacobs, F. Parsons, S. C. Conly, J. Railsback, J. H. Kerr, George Stovall, W. L. Hemmingway, A. J. Jamison, E. R. Smith, N. B. Bridges, Jas. Weir, G. H. Holland, M. T. Newsom, H. Musgrove, C. Chapman, E. G. Peyton, E. Handy, V. A. Collins, H. N. Ballard, W. B. Grey, W. B. Nesbitt, H. Goss, B. H. Orr, Henry Mayson, E. A. Peyton, Charles Caldwell, J. R. Parsons, H. W. Barry, D. McA. Williams, R. H. Montgomery, Henry P. Toy, John Elliott, Wm. McKnight, A. Alderson, Jere Hauser, W. G. Vaughan, P. H. McCutchen, W. W. Gaither, D. T. Walker, J. A. Moore, Wesley Lawson, H. W. Warren, B. B Eggleston, John Field, W. B. Cunningham, J. W. C. Watson, W. M. Compton, C. H. Townsend, S. Woodmansee, J. L. Herbert, James Elliott, W. A. Hutto, E. G. Longmire, S. H. Powell, Isham Stewart, N. J. Chappell, A. R. Howe, U. Ozanne, P. Bonney, Thos. W. Jones, Cyrus Myers, J. C. Brinson, D. N. Quinn, S. C. Barnes, J. M. Phillips, Wm. Nelms, W. T. Stricklin, H. Mask, Terry Dalton, A. Mygatt, G. C. McKee, B. Leas, T. W. Stringer, A. Johnson,

W. T. Combash, Wm. Yeoman, W. H. Gibbs, C. W. Fitzhugh, J. Richardson, R. J. Alcorn, Charles W. Clarke, Wm. Leonard, and A. T. Morgan.

On motion of E. A. Peyton, of Hinds, the President was authorized to appoint an Assistant Secretary.

Henry Mayson, of Hinds, was appointed.

On motion of B. B. Eggleston, of Lowndes, a committee of five, one from each Congressional District, was appointed to examine credentials of members presenting themselves for admission to the Convention.

The President appointed Joseph W. Field, of Lowndes, J. W. C. Watson, of Marshall, H. Musgrove, of Clarke, Charles W. Fitzhugh, of Wilkinson, and R. J. Alcorn, of Yalobusha.

Committee to meet at 3 o'clock, this, P. M.

On motion of B. B. Eggleston, the Convention adjourned to meet at 10 o'clock, A. M., January 8, 1868.

A true copy.

CHARLES W. CLARKE,
Delegate from Yazoo County,
*Temporary Secretary.*

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## SECOND DAY.

JACKSON, MISS., Wednesday, January 8th, 1868.

Convention met at 10 o'clock.

Prayer by the Rev. Mr. Williams.

The Journal of Tuesday was read, corrected, and approved.

The committee on Credentials, through their Chairman, made the following report:

MR. PRESIDENT: Your committee on Credentials would most respectfully submit the following report, to-wit:

That they found present all the persons named in the circular of Major-General Ord, except the following:

Jason Niles, of Attala, John Moody, of Greene, Perry, and Jackson, J. C. Barnes, of Tallahatchie, A. S. Dowd, of Coahoma, John Fawn, of Washington, O. S. Miles, of Jefferson, G. W. Vanhook, of Lowndes; and all of said gentlemen, so reported as elected to seats in this body, in the opinion of your committee, have produced satisfactory credentials, and are entitled to their seats therein; and your committee would further report, that Benjamin H. Orr, Esq., claims to have been duly elected a delegate to this Convention from the county of Harrison, but he produced no official return or evidence of such election,

The seat of E. A. Peyton, who has been returned by the Commanding General, as entitled to a seat in this body, as one of the delegates from the county of Hinds, has been contested before this committee, by J. P. Sessions, Esq., who was his competitor before the people of the county, on the ground of ineligibility. Your committee, however, are of the opinion that, under the acts of Congress, by which this Convention was called, it belongs alone to the Commanding General of the Department, to determine who have been elected and are entitled to seats in this body. All such questions, therefore, as arise in the foregoing cases presented by the said Benjamin H. Orr, and J. P. Sessions, can only be rightfully decided by the said Commanding General, whose duty it is made by the said acts of Congress, to ascertain the persons elected as delegates according to the returns of the officers who conducted the said election, and make proclimation thereof.

Respectfully,

J. W. **Field**,
*Chairman.*

On motion of Mr. Weir, of Oktibbeha, the report was received.

Mr. Field offered the following:

In order to expedite business, and quicken consciences of members, I move that each member pay his own expenses.

Which, on motion of Mr. Stringer, was laid on the table.

On motion of Mr. Cunningham, the Convention proceeded to the election of permanent officers.

On motion of Mr. Musgrove, it was declared that a majority of votes cast, shall elect.

Messrs. Parsons, of Adams, and Cunningham, of Madison, were appointed tellers.

Messrs. B. B. Eggleston and J. W. C. Watson, were put in nomination for President of the Convention.

Mr. Townsend moved that before the result be announced, that a call of the Convention be made; and on such call, ninety members answered to their names.

On examination of the ballot, it appeared that Mr. Eggleston had received 53 votes, Mr. Watson 33 votes, Mr. Peyton 1 vote, and Mr. McKee 3 votes.

Mr. Eggleston having received a majority of the votes cast, was declared duly elected President of the Convention.

Mr. Chappell moved that the President elect be conducted to the chair;

Which motion prevailed, and Mr. Chappell was chosen to conduct the President to his seat.

On motion of Mr. Castello, Mr. McKee administered the oath of office to the President elect.

Mr. Townsend moved, that members be required to take the oath of allegiance to the United States.

Mr. Compton moved, that the motion to take any oath be laid on the table;

Which was lost.

On motion of Mr. Peyton, of Hinds, the members of the Press were admitted to seats within the bar.

Mr. Hauser moved, that the House proceed to the election of Secretary.

On motion of Mr. Compton, the candidates for the Secretaryship appeared before the Convention;

Whereupon, the ballot was taken, with the following result:

| | |
|---|---|
| T. P. Sears, of Adams | 52 votes. |
| H. C. Powers | 35 votes. |
| Dr. Grey, of Hinds | 3 votes. |
| H. P. Myer | 1 vote. |

Mr. Sears having received a majority of all the votes cast, was declared duly elected Secretary of the Convention, and was conducted to his seat by Mr. Castello, and took the oath of office.

On motion of Mr. Chappell, the Convention proceeded to the election of Sergeant-at-Arms:

| | |
|---|---|
| Mr. Gill, of Marshall, | 56 votes. |
| Mr. Spencer. | 28 votes. |
| Mr. Barton | 1 vote. |

Mr. Gill having received a majority of the votes cast, was declared duly elected Sergeant-at-Arms:

Mr. Compton moved, that Mr. Wilkinson be declared Doorkeeper of this Convention by acclamation;

Which motion was laid on the table.

On motion of Mr. McKee, C. F. Norris was declared Doorkeeper by acclamation.

On motion of Mr. McKee, the Convention adjourned one hour.

The Convention met at 2 o'clock.

Mr. Parsons moved that the Sergeant-at-Arms be instructed to request the Secretary of State to furnish this Convention with stationery.

The following amendment was offered:

That the Sergeant-at-Arms elect be conducted to the bar by Mr. Stricklin, of Tippah, and have the oath of office administered to him by the President;

Which motion, as amended, was adopted.

The Sergeant-at-Arms made the following report:

Mr. President: I have to report that the Secretary of State has no stationery on hand, and no way to procure any.

N. G. Gill,
*Sergeant-at-Arms.*

Mr. Chappell moved to elect an Assistant Secretary by ballot.

Mr. Stricklin moved to amend by saying two assistants;

Which motion was lost, and the yeas and nays being called for, the vote was announced as follows: Yeas, 16: nays, 63.

The Convention then proceeded to ballot for Assistant Secretary:

| | |
|---|---|
| Mr. Patterson | 34 votes. |
| " Peyton | 37 " |
| " Powers | 7 " |
| " Barton | 3 " |
| " Adams | 1 " |

No candidate having received a majority of the votes cast, the Convention proceeded to a second ballot, which resulted as follows:

| | |
|---|---|
| Mr. Patterson | 43 votes. |
| " Peyton | 43 " |
| " Barton | 1 " |
| " Powers | 1 " |

No candidate having received a majority of the votes cast, the Convention proceeded to a third ballot, with the following result:

| | |
|---|---|
| Mr. Patterson | 47 votes. |
| " Peyton | 43 " |
| " Barton | 1 " |

Mr. Patterson, of Tishomingo, having received a majority of all the votes cast, was declared duly elected Assistant Secretary, and on motion, Mr. Compton conducted Mr. Patterson to his seat, when the President administered the oath of office.

On motion to adjourn until January 9, at 10 o'clock, the yeas and nays being called for, resulted as follows: Yeas, 53, nays, 34.

And the Convention adjourned.

T. P. SEARS,
*Secretary.*

## THIRD DAY.

JACKSON, MISS., Thursday, January 9th, 1868.

The Convention met at 10 o'clock, A. M.

The Journal of the previous day was read and approved.

On motion of Mr. Field, leave of absence for three days was granted to Mr. McKee.

On motion of Mr. Hauser, the President was authorized to appoint, for the Convention, a Postmaster, a Reading Clerk, and te necessary number of Pages.

By Mr. Cunningham moved that hereafter the Convention have but one session each day, and that it meet at 10 o'clock, A. M., and adjourn at 2 o'clock, P. M.

Mr. Castello offered the following substitute:

That the session be each day from 11 A. M., until 3 o'clock, P. M.;

Which was lost.

And the original motion was adopted.

Mr. Stringer moved that the Sergeant-at-Arms be authorized to appoint his own assistants;

Which was adopted.

Mr. Barry moved that a Chaplain for this Convention be elected;

Which was adopted.

Mr. Cunningham moved that the Rev. Lester Williams, jr., be appointed Chaplain of this Convention.

Mr. Watson offered the following substitute:

*Resolved*, That the clergymen of this city, whether resident or otherwise, be, and are hereby respectfully invited by an arrangement among themselves, to open the daily sessions of this body with prayer.

Which was laid on the table.

Mr. Herbert offered the following substitute:

*Resolved*, That the President select a clergyman to open the sessions of the Convention daily with prayer.

Which was laid on the table.

Mr. Musgrove moved that a committee of five, one from each Congressional Disrrict, be appointed by the President, to report rules for the government of this Convention;

Which was adopted.

On motion of Mr. Howe, it was resolved that the members of the Convention retain for the session the seats they now occupy;

Which was adopted, the yeas and nays being called, by the following vote: Yeas, 55; nays, 12;

Mr. Gibbs moved a reconsideration of the vote;

Yeas and nays being called, resulted as follows: Yeas, 50; nays, 34.

Mr. Leas offered the following:

*Resolved*, That the President appoint a committee to assign seats to members.

Which was withdrawn.

Mr. Townsend moved that the Secretary be instructed to place fifty-six numbers in a hat, and that the Convention proceed to draw for seats by counties, the county drawing, No. 1 having the first choice, and so on to the end of the list;

Which was adopted.

Mr. Compton offered the following:

*Resolved*, That the outside circle of seats of the Hall be exempt from the lists of seats to be drawn for.

Which was adopted.

A motion to reconsider, prevailed by the following vote: Yeas, 21; nays, 13.

A motion to table, was lost, by the following vote: Yeas 11; nays, 71.

The question recurring on the original motion, it was lost.

The members then proceeded to select their seats under the resolution of the Convention.

Capt. W. Q. Lowd, an artist of this city, presented his compliments to the officers and delegates of this Convention, and proposed to take the photographic likenesses of each and every officer and delegate, free of charge. He respectfully invited the delegates to visit his gallery, by counties. Aafter taking them seperately, he will combine the whole in one large picture.

On motion of Mr. Field, the thanks of the Convention were returned, and the invitation accepted.

Mr. Barry introduced the following:

*Resolved*, That a committee of three be appointed by the President of this Convention to investigate the claims of Benj. H. Orr to a seat in this Convention, as the delegate elect thereto from Harrison county, and report to this Convention as early as practicable.

Which was adopted.

On motion of Mr. Castello, it was

*Resolved*, That the Sergeant-at-Arms request the Commander of this Post to furnish this Convention with a United States flag for the use of the hall during the sitting of this Convention.

Which was adopted.

By Mr. Mygatt:

*Resolved*, That it is the duty of this Convention to employ a Reporter of its proceedings.

Which was adopted.

Mr. Watson moved that John Tovell be appointed Reporter of the Convention;

Which was adopted.

Mr. Castello moved that the pay of the Reporter be fifteen dollars per day, and that Mr. Mygatt notify him of his election;

Which was adopted.

By Mr. Parsons:

*Resolved*, That the State Librarian be directed to keep the State Library open during the session of this Convention, and that the members of this Convention be allowed the use of the books in said library under the same rules and regulations as members of the State Legislature.

Which was adopted.

By Mr. Wier: A motion to appoint tellers, and proceed to the election of Printer;

Which was lost, by the following vote:

Yeas, 34; nays, 51.

By Mr. Chappell: A resolution that the appointment of a committee on the Constitution to be framed by this Convention, be the order of the day to-morrow;

Which was lost.

Mr. Compton moved to adjourn until to-morrow, at 10 o'clock;

Which was lost, by the following vote:

Yeas, 25; nays, 51.

Mr. Peyton, of Hinds, offered a resolution that a committee of five be appointed by the President to inquire into the merits of the various applicants for public printing, and report as early as practicable.

Which was adopted.

By Mr. Stricklin:

*Resolved*, That a committee of three be appointed by the President of this Convention, whose duty it shall be to inquire into the capacity and ability of the proprietors of the respective presses in this city to do the public printing, and make report to this body at 10 o'clock, A. M., to-morrow.

Which was laid on the table.

The President appointed Messrs. Barry, Alderson, and Mygatt, as the committee to investigate the claims of B. H. Orr, of Harrison county, to his seat in this Convention as delegate.

Convention adjourned to meet to-morrow morning, at 10 o'clock.

A true copy.

T. P. SEARS,
*Secretary.*

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## FOURTH DAY.

JACKSON, MISS., Friday, January 10th, 1868.

The Convention met pursuant to adjournment.

The Journal of yesterday was read and approved.

By Mr. Stricklin: A motion that an alphabetical list of members be made by the Secretary;

Which was adopted.

By Mr. Mygatt:

*Resolved*, That the following standing committees be appointed by the President of this Convention:

First—A committee of nine, on Bill of Rights;
Second—A committee of seven, on Suffrage;
Third—A committee of nine, on Legislative Department;
Fourth—A committee of seven, on Executive Department;
Fifth—A committee of seven, on Judiciary;
Sixth—A committae of nine, on Bank Corporations;
Seventh—A committee of nine on Education;
Eighth—A committee of seven, on Military;
Ninth—A committee of seven, on Finance.

Mr. Chapman offered the following substitute:

*Resolved*, That there be twelve standing committees, of five each, appointed by the President, with the view of framing a Constitution for the State of Mississippi, and with the view of giving each article of the Constitution to a separate committee, viz:

First—A committee on Preamble and Bill of Rights;
Second—A committee on Right of Suffrage;
Third—A committee on Distribution of Powers and Legislative Department;

Fourth—A committee on Executive Department;
Fifth—A committee on Judicial Department;
Sixth—A committee on Militia;
Seventh—A committee on Finance;
Eighth—A committee on Incorporations;
Ninth—A committee on Education and School Lands;
Tenth—A committee on Amendments of the Constitution;
Eleventh—A committee on Miscellaneous Matter;
Twelfth—A committee on Schedule.

Which was adopted.

By Mr. Clarke: A motion to proceed to the election of Public Printer, and also to appoint two tellers to receive and count the ballots.

The Chair appointed Mr. Parsons, of Adams, and Mr. Cunningham, of Madison.

Mr. Mygatt nominated Col. Dugan.

Mr. Stricklin nominated Messrs. Power & Barksdale.

The Convention proceeded to ballot, with the following result:

| | |
|---|---|
| James Dugan.......... .......................... | 58 votes. |
| Messrs. Power & Barksdale.......................... | 23 " |
| Mr. Smith ............ ............................ | 1 " |

The President declared James Dugan elected Printer of the Convention.

Mr. Barry, chairman of special committee appointed to investigate the claims of Benj. H. Orr, of Harrison county, to a seat in the Convention, made the following report:

*To the President and Members of the Constitutional Convention of Mississippi:*

Your committee appointed to investigate the claim of Benj. H. Orr, the member elect from Harrison county, would respectfully report that from evidence adduced before us, we are satisfied that at the election held in Harrison county, under General Order No. 31, Benj. H. Orr, was not a candidate for the Convention, and consequently did not violate said order, but that, without any solicitation on his part, the voters of said county returned Benj. H. Orr as their choice unanimously. At the second election ordered under Special Order, No. 196, Mr. Orr became a candidate for delegate to this Convention, with the express consent of the military commander of this district, contained in Special Order No. 196, and was again elected, having received a large majority of all the votes cast at said election. Your committee therefore report that, in their opinion, Benj. H. Orr is duly elected delegate from Harrison county, and entitled to his seat.

By Mr. Watson: A motion that the report be received;

Which was carried.

By Mr. Hauser: A motion that the report of the special committee in the case of B. H. Orr, claiming a seat in the Convention, be adopted;

Which was carried.

The credentials of Mr. Orr were presented to the Convention.

Mr. Mayson, of Hinds;

Mr. Orr, of Harrison ;

Mr. Dowd, of Coahoma;

Mr. Fawn, of Washington, were sworn and took their seats.

By Mr. Barry:

*Resolved*, That a committee of seven be appointed by the President of the Convention, for the purpose of memorializing the Congress of the United States to confer upon this Convention the power to declare vacant all civil offices at present existing in the State of Mississippi, and to invest the appointing power in this Convention, in order that all said offices may be filled by men of known loyalty to the Government of the United States.

By Mr. Montgomery: A motion to make the resolution the special order for to-morrow, at 12 o'clock M.

Which was lost, by the following vote:

YEAS—Messrs. Alcorn, Bridges, Bonney, Ballard, Beam, Compton, Dalton, Field, Fawn, Gaither, Goss, Herbert, Howe, Hemmingway, Johnson, S., Jamison, Kerr, Longmire, Lack, Montgomery, Merryman, Mask, McKnight, McCutchen, Nelms, Neilson, Nesbitt, Phillips, Quinn, Richardson, Stricklin, Stovall, Townsend, Vaughn, Woodmansee, Watson, Warren—37.

NAYS—Messrs. Alderson, Brinson, Barry, Clarke, Castello, Chapman, Cunningham, Caldwell, Chappell, Drane, Dowd, Elliott John, Elliott James, Fitzhugh, Grey, Gibbs, Hauser, Hutto, Holland, Handy, Jones, Jacobs, Johnson A., Leas, Leonard, Mayson, Musgrove, Moore, Myers, Mygatt, Morgan, Newsom, Ozanne, Orr, Peyton E. A., Parsons Fred, Parsons J. R., Powell, Rainey, Railsback, Stewart, Stringer, Smith, Stiles, Stites, Toy, Weir, Yeoman—48.

By Mr. Stricklin: A motion to lay on the table;

Which was lost.

By Mr. Watson:

*Resolved further*, That in reorganizing the State Government under the foregoing resolution, no member of this body shall be eligible to any position of trust or profit in connection therewith.

The yeas and nays being called, the resolution was lost:

YEAS—Messrs. Alcorn, Brinson, Ballard, Beam, Conley, Compton, Dalton, Dowd, Elliott John, Elliott James, Field, Gaither, Goss, Hutto, Howe, Hemmingway, Johnson S., Jamison, Kerr, Longmire, Lack, Montgomery, Mask, McKnight, McCutchen, Nelms, Neilson, Nesbitt, Phillips, Quinn, Rainey, Richardson, Stricklin, Stovall, Smith, Stiles, Townsend, Vaughn, Watson, Walker—40.

NAYS—Messrs. Alderson, Bridges, Bonney, Barry, Clarke, Combash, Castello, Chapman, Collins, Cunningham, Caldwell, Chappell, Drane, Fitzhugh, Fawn, Gibbs, Hauser, Herbert, Holland, Handy, Jones, Jacobs, Johnson, Lawson, Leas, Leonard, Mayson, Musgrove, Moore, Myers, Mygatt, Morgan, Ozanne, Orr, Peyton E. A., Parsons F., Parsons J. R., Powell, Railsback, Stewart, Stringer, Stites, Toy, Woodmansee, Weir, Warren, Yeoman—47.

The following amendment was offered by Mr. Gaither, and accepted by Mr. Barry, as an amendment to the original resolution, to-wit:

"And that said committee report to this Convention as soon hereafter as practicable."

And as so amended, the resolution was passed, by the following vote:

Yeas—Messrs. Alderson, Bridges, Bonney, Brinson, Barry, Beam, Clarke, Combash, Castello, Chapman, Collins, Cunningham, Caldwell, Chappell, Drane, Elliott James, Field, Fitzhugh, Fawn, Gibbs, Hauser, Herbert, Hutto, Holland, Handy, Jones, Jacobs, Johnson A., Leas, Leonard, Mayson, Musgrove, Miles, Moore, Myers, Mask, Mygatt, Morgan, Newsom, Ozanne, Orr, Peyton E. A., Parsons F., Parsons J. R., Powell, Quinn, Rainey, Railsback, Richardson, Stewart, Stringer, Smith, Stiles, Stites, Toy, Woodmansee, Weir, Warren, Yeoman—59.

Nays—Messsr. Alcorn, Conley, Compton, Dalton, Dowd, Gaither Goss, Howe, Hemmingway, Johnson S., Jamison, Kerr, Lawson, Longmire, Lack, Montgomery, Merryman, McKnight, McCutchen, Nelms, Neilson, Nesbitt, Phillips, Stricklin, Stovall, Townsend, Vaughan, Watson, Walker—29.

By Mr. Alcorn:

Whereas, The people of Mississippi are now laboring under a weight of pecuniary oppression which, if not relieved by governmental assistance, may result in great destitution; and

*Whereas*, The first move to accomplish relief should be the suspension of the collection of debts, so as to save the loss of a large portion of property by being sacrificed at public sale, and leave the creditors unpaid; therefore, be it

*Resolved*, That the Convention respectfully petition General Gillem, Commanding this District, to forthwith suspend the collection of all debts, until the meeting of the State Legislature under restored and lawful civil government.

Mr. Castello moved to lay the resolution on the table, until it can be referred to an appropriate committee;

Which was adopted.

By Mr. Castello:

*Resolved*, That a committee of three be appointed by the President to procure the necessary stationery required for the use of this Convention.

Which was adopted.

By Mr. Woodmansee:

*Resolved*, That this Convention, by its President, appoint a committee of three to wait upon the Treasurer, whose duty it shall be to investigate the financial condition of the State of Mississippi, and learn what is proposed to be done in reference to the payment of the delegates of this Convention, and report forthwith.

Mr. Castello moved to lay on the table; which was carried.

By Mr. Mygatt:

*Resolved*, That a special committee of five be appointed on compensation of members and officers of this Convention, to report to-morrow.

Which was adopted.

By Mr. Howe:

*Resolved*, That a commtttee of seven be appointed by the President to prepare a list of persons whose names shall be sent to Congress with the petition that all disabilities imposed by the acts of Congress, be removed in their respective cases.

Which was laid on the table.

By Mr. Clarke:

*Resolved*, That the Sergeant-at-Arms be instructed to furnish the members of this Convention, each morning, with the city papers.

By Mr. Musgrove: An amendment, that two hundred copies each of the *Journal* and *Clarion*, be furnished.

On motion of Mr. Gibbs, the original resolution and amendment were laid on the table.

By Mr. Stiles: A motion that a committee of five be appointed to memoralize Congress on behalf of the impoverished and almost destitute people of the State;

Which was laid on the table.

The President announced the appointment of Wm. Brown, Postmaster of the Convention.

Mr. Neilson, of Amite county, was granted leave of absence for three days.

The President announced the appointment of the special committee of five on Printing, consisting of Messrs. Mygatt, Field, Woodmansee, Gibbs, and E. A. Peyton.

The President announced the appointment of H. C. Powers, Reading Clerk.

The President announced the following committee on Rules: Messrs. Barry, Orr, Field, Watson, and Stovall.

Leave of absence was granted to Mr. Leas, for three days.

Major C. A. Wykoff, U. S. A., was invited to a seat within the bar of the Convention.

By Mr. Stiles:

WHEREAS, The military authorities have arrested and confined Judge J. S. Morris, of Claiborne county, Capt. McDonald, of Adams county, and many other citizens of Mississippi, both white and colored, keeping them for months without a trial, contrary to the fifth article of the Constitution of the United States, which guarantees to every man a speedy trial; and

*Whereas*, They have desecrated the soil of Mississippi by confiening one Galewood, a citizen of Arkansas, for a period of six months, without a trial; now, therefore, be it

*Resolved*, As the sense of this Convention, that the military authorities have, in this respect, gone beyond, and contrary to the requirements of the military bill; and that, in the name and on behalf of the people of Mississippi, we protest against the action of said military authorities, and demand that the said citizens shall be released or speedily tried.

Which was laid on the table.

By Mr. Townsend:

*Resolved*, That the resolutions presented for the consideration of this body, be laid upon the table until they can be referred to the proper committees, and that this resolution cannot be suspended, except by a two-thirds vote of this body.

Which was laid on the table.

Convention adjourned until to-morrow, at 10 o'clock.

T. P. SEARS,
*Secretary.*

## FIFTH DAY.

JACKSON, MISS., Saturday, January 11th, 1868.

Convention met pursuant to adjournment.

Prayer by Chaplain Rev. Mr. Williams.

The Journal of yesterday was read and approved.

The President appointed the following committee on Stationery, viz:

Messrs. Castello, Williams, and Ozanne.

And the following committee on Compensation of Members, viz:

Messrs. Mygatt, Hauser, Railsback, Compton, and Combash.

As Pages: W. T. Salmon, Hal Johnson, Henry Smith, and E. Davidson.

The following communication was received from the Superintendent of the City Gas Company:

CITY GAS WORKS,
JACKSON, MISS., Jan. 10, 1868.

*Gentlemen of the Convention:*

The City Gas Works, owing to the limited number of consumers, is scarcely able to meet its monthly expenses, hence the necessity of collecting all bills promptly, and without doubt. I therefore ask that a deposit be made, sufficient to cover the amount of gas that may be used by the Convention, or some personal security given.

Very respectfully,
DOUGLAS WARD,
*Superintendent Jackson Gas Co.*

Mr. Miles, of Jefferson, came forward, and was sworn in as a delegate.

The following officers were sworn in by the President:

Mr. Powers, as Reading Clerk.

Mr. Tovell, as Reporter.

Rolla Williams, and W. H. Rice, Assistant Sergeants-at-Arms.

William Brown, as Postmaster.

C. F. Norris, as Doorkeeper.

By Mr. Gibbs:

*Resolved*, That each member of the Convention be allowed twenty copies, daily, of such papers in the State of Mississippi, as he may select.

By Mr. Montgomery: An amendment, that each member pay for his own papers.

By Mr. Hauser: A substitute for the amendment, that each member of this Convention be allowed fifty copies of such papers as he may select.

By Mr. Warren: A substitute for the whole question, that "fifty," be stricken out, and "five" be inserted;

Which was adopted.

By Mr. Woodmansee: That his resolution of yesterday be taken up; which was adopted.

The following is the resolution:

*Resolved*, That this Convention, by its President, appoint a committee of three to wait upon the Treasurer, whose duty it shall be to investigate the financial condition of the State of Mississippi, and learn what is proposed to be done in reference to the payment of the delegates of this Convention, and report the same to this Convention forthwith.

No action taken.

By Mr. Cunningham:

*Resolved*, That this Convention petition the Commanding General to order the collection of all debts by legal process, suspended until the meeting of the Legislature of the State of Mississippi; *Provided*, That this order shall not operate so as to prevent Sheriffs and other officers from the collection of their usual feees.

Which was was laid on the table.

Mr. Morgan introduced the following:

*Resolved*, That the President appoint a standing committee of five, one delegate from each Congressional District, to report at any time before the final adjournment of this Convention, which in their judgment may be most wise and expedient, what legislation if any, by this Convention is needed to afford adequate relief and protection to the State and citizens thereof, and that said committee have power to send for persons and papers.

Which was adopted.

By Mr. Castello:

*Resolved*, That the civil and military officers as follows, be and they are hereby especially invited, when in the city, to take seats within the bar of the Convention, to-wit:

The Governor of the State of Mississippi, Secretary of State, Auditor, Treasurer, Attorney General, Adjutant General, the Mayor of Jackson, the Commanding General of the Department, the Commander of the District, and Commander of the Post, and other military officers stationed at the Post, members of the United States Senate and House of Representatives, that may from time to time visit the city of Jackson.

Which was adopted.

By Mr. Alderson:

*Resolved*, That the Reporter of the Convention be authorized to furnish the Official Printer with a synopsis of the debates therein, and a full report of the most important speeches.

Which was adopted.

By Mr. Gibbs:

*Resolved*, That the proceedings of this Convention be published in the *State Journal*, *Vicksburg Republican* and *Meridian Chronicle*, and that they be allowed such compensation as is now allowed by the United States for official advertisements.

Which was adopted, by the following vote:

YEAS—Messrs. Alderson, Barnes, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Clarke, Combash, Drane, Elliott John, Elliott James, Flawn, Fitzhugh, Gibbs, Handy, Hauser, Holland, Jacobs, Johnson A., Jones, Lawson, Leonard, Mayson, Musgrove, Miles, Moore, Morgan, Myers, Mygatt, Ozanne, Parson F., Parsons J. R., Peytons E. A., Powell, Quinn, Rainey, Stewart, Stites, Stringer, Toy, Weir, Williams, Yeoman—46.

NAYS—Messrs. Alcorn, Ballard, Beam, Collins, Compton, Conely, Cunningham, Dalton, Gaither, Goss, Grey, Hemmingway, Herbert, Howe, Hutto, Jamison, Johnson S., Kerr, Lack, Longmire, Mask, Montgomery, Merryman, McCutchen, McKnight, Nelms, Nesbitt, Newsom, Phillips, Railsback, Richardson, Smith, Stovall, Stiles, Townsend, Watson, Warren—37.

On motion of Mr. Field, the vote on the resolution was rescinded, and the following by him, offered as a substitute, was adopted:

*Resolved*, That a committee of three be appointed by the Chair to ascertain the cost of publishing the proceedings in the three named papers.

Mr. Barry, chairman of committee, to whom was referred the subject of Rules and Regulations, including the necessary standing committees, for the better government of this Convention, made the following report:

MR. PRESIDENT: The committee to whom was referred the subject of Rules and Regulations, including the necessary standing committees, for the better government of this Convention, have had the matter under consideration, and have instructed me to deliver a report, which is ready to be presented whenever the Convention is pleased to receive it.

Respectfully,
H. W. BARRY,
*Chairman.*

Report received.

## RULES AND REGULATIONS OF THE CONSTITUTIONAL CONVENTION OF MISSISSIPPI.

### DUTY AND RIGHTS OF THE PRESIDENT.

### RULE I.

He shall take the chair, every day, at the hour to which the

Convention shall have adjourned, call the Convention to order, and direct the Secretary to call the roll. If a quorum is present, he shall have the Journal of the preceding day read.

## RULE II.

He shall preserve order and decorum, may speak to points of order, in preference to members, rising from his seat for that purpose. He shall decide questions of order, subject to an appeal to the Convention, made by any two members; on which appeal no member shall speak more than once, unless by leave of the Convention.

## RULE III.

He shall rise to put a question, but may state it sitting.

## RULE IV.

Questions shall be distinctly put in this form, to-wit: As many as are of opinion that (as the question may be), say "aye;" and after the affirmative is expressed, as many as are of a contrary opinion, say "no." If the President doubt, or if a division be called for, the Convention shall divide—those in the affirmative of the question, shall rise; and afterwards, those in the negative. The President shall then state the decision of the Convention.

## RULE V.

The President shall have the right to examine and correct the Journal before it is read. He shall have a general direction of the hall. He shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

## RULE VI.

In all cases of election by the Convention, the President shall vote. In other cases, he shall not vote, unless the Convention be equally divided, or unless his vote, if given to the minority, will make the division equal, and in case of such equal division, the question shall be lost.

## RULE VII.

All Standing Committees shall be appointed by the President; all other committees shall be appointed by the President, unless otherwise directed by the Convention, in which case, and if upon a vote, the number required shall not be elected by a majority of the votes given, the Convention shall proceed to a second vote, in which a plurality shall prevail; and in case a greater number than is required to compose or complete a committee, shall have an equal number of votes, the Convention shall take another vote.

## RULE VIII.

All ordinances shall be signed by the President, and all writs, warrants, and subpœnas issued by order of the Convention, shall be under his hand, attested by the Secretary.

## RULE IX.

In case of any disturbance or disorderly conduct in the lobby, te President (or Chairman) shall have power to order the lobby to be cleared.

### RULES OF DECORUM AND DEBATE.

## RULE X.

When any member is about to speak in debate, or deliver any matter to the Convention, he shall rise and respectfully address himself to Mr. President.

## XI.

If any member transgress the rules of this Convention, the President shall, or any member may, call him to order, in which case the member so called to order, if speaking, shall immediately sit down, unless permitted to explain. The point of order raised, shall be stated when a member is called to order, and decided by the President, and the Convention shall, if appealed to, decide on the case, but without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if the decision be against him, and the case require it, he shall be liable to the censure of the Convention.

## RULE XII.

When twor more members happen to rise at once, the President shall name the one who is first to speak.

## RULE XIII.

No member shall speak more than once on the same question, without leave of the Convention, unless he be the mover, proposer, or introducer of the matter pending; in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.

## RULE XIV.

While the President is putting any question, or addressing the Convention, none shall walk out of or across the house, nor in such case, or when a member is speaking, shall entertain private discourse; nor while a member is speaking, pass between him and the Chair. Every member shall remain uncovered during the session of the Convention. No member or other person shall visit or remain by the Clerk's table while the yeas and nays are being called, or ballots are being counted; nor shall any smoking be allowed in the hall of the Convention during its session. All manifestations of approval or disapproval within the hall of the Convention, must be promptly suppressed by the Chair.

## RULE XV.

No member who is outside the bar of the Convention when his name is called to vote, shall be allowed to vote, unless he claim the right to do so before the result is announced.

## RULE XVI.

Upon a division and a count of the Convention upon a question, no member without the bar shall be counted.

## RULE XVII.

Every member who shall be in the Convention when a question is put, shall give his vote, unless the Convention, for reasons assigned, shall excuse him. No member shall be allowed to make any explanation of a vote he is about to give, or ask to be excused from voting, after the Secretary, under order of the Convention, shall have commenced calling the yeas and nays.

## RULE XVIII.

When a motion is made and seconded, it shall be stated by the President, or being in writing, it shall be handed to the Chair and read aloud by the Secretary before being debated.

## RULE XIX.

Every motion shall be reduced to writing, if the President or any member desire it.

## RULE XX.

After a motion is stated by the President, or read by the Secretary, it shall be deemed to be in the possession of the

Convention, but may be withdrawn at any time before an amendment or decision.

## RULE XXI.

When a question is under debate, no motion shall be received but to adjourn; second, to lie on the table; third, for the previous question; fourth, to postpone to a certain day; fifth, to commit; sixth, to amend; seventh, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit or to postpone indefinitely being decided, shall be again allowed on the same day and at the same stage of the motion or proposition. A motion to strike out the enacting words of a motion, shall have precedence of a motion to amend, and if carried, shall be equivalent to its rejection.

## RULE XXII.

A motion to adjourn and a motion to fix the day to which the Convention shall adjourn shall always be in order; these motions, and the motion to lie on the table, shall be decided without debate.

## RULE XXIII.

The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate, and bring the Convention to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the second reading of the same, a call of the Convention shall be in order; but after a majority shall have seconded such a motion, no call shall be in order prior to a decision of the main question.

## RULE XXIV.

On a previous question there shall be no debate. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

## RULE XXV.

Any member may call for a division of the question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantial proposition shall remain for the decision of the Convention. A motion to strike out and insert shall be deemed indivisible.

## RULE XXVI.

When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for a reconsideration thereof; *Provided*, It is made on the same day, or the next sitting day, before the order of the day is taken up, and a motion for immediate reconsideration shall supersede a notice that a reconsideration will be made.

## RULE XXVII.

When a motion has been once made and decided in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof on the same or the succeeding day, and such motion shall take precedence of all other questions, except a motion to adjourn.

## RULE XXVIII.

If a pending question be not disposed of, owing to an adjournment of the Convention, and be revived on the succeeding day, no member who has spoken on the day preceding, shall be allowed to speak again, without leave.

## RULE XXIX.

When motions are made for the reference of a subject to a select committee and a standing committee, the question for the reference to a standing committee shall be first put.

### ORDER OF BUSINESS FOR THE DAY.

## RULE XXX.

As soon as the Journal is read and approved and the names of the members called, the President shall ask if there are any resolutions to be presented. The resolutions having been presented and disposed of, reports, first from standing and then from select committees, shall be called for, after which the President shall dispose of the resolutions and ordinances on his table, and then proceed to call the order of the day, which shall always be taken up at 12 o'clock, M.

## RULE XXXI.

The unfinished business in which the Convention was en-engaged at the time of the last adjournment, shall have preference in the orders of the day; and no motion, nor any other business, shall be received without special leave of the Convention, until the former shall have been disposed of. The order of the day shall be as follows:

1. The unfinished business in which the Convention was engaged at its last adjournment.
2. Special orders of the day.
3. Ordinances and resolutions in the order in which they have been presented to the Convention.

## RULE XXXII.

Any ten members after the organization of the Convention, are authorized to compel the attendance of absent members.

## RULE XXXIII.

Upon calls for the Convention and in taking the yeas and nays on any question, the names of the members shall be called alphabetically.

## RULE XXXIV.

All questions relating to the order of business shall be decided without debate.

## RULE XXXV.

No member shall absent himself from the service of the Convention, unless he have leave or be unable, from sickness, to attend.

## RULE XXXVI.

No committee shall have the right to appoint a clerk without the consent of the Convention being first obtained.

## RULE XXXVII.

All officers appointed or elected by the Convention, shall hold their offices during the pleasure of the Convention only.

## RULE XXXVIII.

No standing rule or order of the Convention shall be reconsidered or changed without one day's notice being given of the motion thereof. Nor shall any rule be suspended, except by a vote of two-thirds of the members present, nor shall the order of business as established by the rules of the Convention be postponed or changed, except by a vote of at least two-thirds of the members present.

## RULE XXXIX.

Every vote of the Convention shall be entered on the Journal with a concise statement of the question, and a brief statement of the contents of each paper presented to the Convention shall also be inserted on the Journal.

## RULE XL.

The Secretary shall read the Journal daily from the sheet on which the minutes are written; and after being so read and corrected, the said minutes shall be correctly recorded in the Journal. He shall be responsible to the Convention for the accuracy of the Journals, and for the fidelity and prompt execution of all work ordered by the Convention. He shall endorse all resolutions and ordinances proper to be endorsed; he shall keep in his charge all documents in the custody of the Convention, and keep them in proper order.

## RULE XLI.

The Assistant Secretary of the Convention shall, in the event of the absence, resignation, or death of the Secretary, take charge of and attend to all the duties of his office until his successor shall be elected; and shall assist the Secretary in all other matters appertaining to the duties of his office when directed by the Secretary.

## RULE XLII.

It shall be the duty of the Minute Clerk to keep the minutes of the proceedings of the Convention, which shall be recorded in the Journal, and copies thereof, authenticated by the signature of the Secretary, shall be prepared by the Minute Clerk for delivery, at his desk, to the Printer, by 10 o'clock on the day following that on which it shall have been read.

## RULE XLIII.

The duties of the Sergeant-at-Arms shall be to attend the Convention during its sittings, the hall, convention, and the committee rooms and offices, belonging thereto; to keep the same in order, and execute the commands of the Convention, together with all such process issued by authority thereof, as shall be directed to him by the President.

## RULE XLIV.

The duties of the Doorkeeper shall be to keep the door of the lobby, and perform such other duties as the President may require.

## RULE XLV.

The yeas and nays shall not be ordered except at the request of one-tenth of the members of the Convention present.

## XLVI.

A quorum shall consist of a majority of the members elected and admitted to this Convention.

## RULE XLVII.

The officers of the Convention shall consist of a President, Secretary, Assistant Secretary, Minute Clerk, Sergeant-at-Arms, two Assistants, Doorkeeper, and Official Printer, all of whom shall be elected by the Convention. Four Pages shall be appointed by the President.

## RULE XLVIII.

Every resolution on a subject upon which there is a standing committee, shall, when seconded, be referred to the appropriate committee, and no final action shall be had upon such resolution until the committee shall have reported thereon.

## RULE XLIX.

When a substitute is offered to a proposed resolution, it shall be treated as a motion to amend by striking out all after the word resolved, or the enacting clause, and inserting the substitute, and such motion shall be governed by the rules relating to amendments.

## RULE L.

All reports of standing committees shall be printed and lie over two days before being acted upon.

## RULE LI.

On any question of order or parliamentary practice, when these Rules are silent or inexplicit, Jefferson's Manual or Cushing's work on Parliamentary Law shall be considered as authority.

## RULE LII.

The Convention shall meet every day at 10 o'clock, A. M. (Sundays excepted), and adjourn at 2 o'clock, P. M., unless otherwise ordered.

## RULE LIII.

Any of the foregoing Rules may be amended, revised, suspended or repealed by a vote of two-thirds of the members present.

The following shall be appointed as standing committees :

A Committee on the Legislative Department, to be composed of seven members.

A Committee on the Judiciary Department, to be composed of seven members.

A Committee on the Executive Department, to be composed of nine members.

A Committee on General Provisions, to be composed of seven members.

A Committee on Ordinances and Schedule, to be composed of seven members.

A Committee on Enrollment, to be composed of five members.

A Committee on Printing, to be composed of seven members.

A Committee on Finance, to be composed of five members.

A Committee on Militia, to be composed of thirteen members.

A Committee on Public Education, to be composed of thirteen members.

A Committee on Internal Improvements, to consist of seven members.

A Committee on Bill of Rights, to consist of nine members.

A Committee on Contingent Expenses, to consist of five members.

By Mr. Weir: That the report be laid on the table, and 200 copies be printed for the use of the Convention.

Mr. Fitzhugh offered the following as a substitute:

*Resolved*, That the Rules just read be taken up article by article, and adopted.

Which was laid on the table.

Mr. Townsend offered the following:

*Resolved*, That the report of the Committee on Rules and Regulations be adopted, the committee discharged, and that 200 copies be printed for the use of this Convention.

Mr. Castello offered the following, as a substitute for the whole matter:

*Resolved*, That two hundred copies of the Report be printed for the action of the Convention.

Which was adopted.

Mr. Cunningham offered the following resolution, which was carried:

*Resolved*, That until we have other rules, that the report of the committee be adopted as the Rules of this Convention.

The following resolution was offered by Mr. Mygatt:

*Resolved*, That a vote of thanks be given to the Congressional Committee for presenting a valuable volume, being a Manual of the several Constitutions of the different States and their amendments.

Mr. Townsend offered the following as a substitute:

WHEREAS, as this Convention has been presented by the Union Republican Party, through its Executive Committee, with a copy of the New York Constitutional Manual, containing the Constitutions of the thirty-seven States of this Union, as they now exist, for the information and guidance of this body; and

*Whereas*, In the Constitutions of all but six of the States as therein given, the word "white" is contained as a qualification for electors under their Constitutions; and

*Whereas*, In three of the remaining six States, both an educational and property qualification is required of electors under their Constitutions; Therefore, be it

*Resolved*, That this Convention gratefully accept the said volume from the said party, and indulges in the hope that the delegates to this body, in adopting a Constitution for the people of the State of Mississippi, will, on the subject of suffrage, imitate the example of nine-tenths of the States of this Union.

*And be it further resolved*, That the President of this Conventiod be requested to transmit a copy of these resolutions, signed by himself and Secretary, to the Executive Committee of the Republican party.

Which, on motion of Mr. Castello, was laid on the table, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Cunningham, Dowd, Drane, Elliot John, Elliot James, Fawn, Field, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Holland, Howe, Hutto, Jacobs, Johnson, Jones, Kerr, Lack, Lawson, Longmire, Mayson, Mask, Musgrove, Miles, Moore, Morgan, Myers, Mygatt, McKnight, Newsom, Ozanne, Parsons of Adams, Parsons of Hinds, Peyton, Powell, Quinn, Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Vaughan, Warren, Weir, Woodmansee, and Yeoman—67.

NAYS—Messrs. Compton, Dalton, Gaither, Goss, Gray, Hemmingway, Merriman, McCutchen, Nelms, Nesbitt, Phillips, Stricklin, Townsend, Walker, and Watson—15.

Question recurring on the original resolution of Mr. Mygatt, it was carried.

On motion of Mr. Field, it was

*Resolved*, That a committee of five be appointed, one from each Congressional District, to take into consideration whether the public lands of the State may not be disposed of so as to pay its indebtedness, and facilitate their sale and settlement.

Which was adopted.

Mr. Clarke introduced the following:

*Resolved*, That the Secretary be authorized to appoint two additional Assistants, and that their compensation be fixed by the special committee on Pay of Officers and Members.

Which was lost.

On motion of Mr. Castello, it was

*Resolved*, That the Sergeant-at-Arms be instructed to put the committee rooms in order immediately for the use of the Convention.

A motion to reconsider, by Mr. Morgan, Mr. Field's resolution in reference to the sale of lands, and referring the same to the committee on Legislation and Relief, was lost.

Mr. Stiles' motion, to take up his resolution of yesterday, was lost.

On motion of Mr. Gibbs, it was

*Resolved*, That the Secretary be, and is hereby authorized to appoint an additional Assistant, whose pay shall be fixed by the committee on the Pay of Members and Officers.

Mr. Merryman offered the following:

*Resolved*, That this Convention give the remaining clerkships to loyal Southern gentlemen, and not monopolize the whole matter by the appointment of Northern gentlemen exclusively.

Which was lost.

The President announced the following gentlemen as composing the committee to memorialize Congress to clothe this Convention with certain authority: Messrs. Barry, Alderson, Orr, Stringer, Musgrove, Alcorn, and Morgan.

Mr. Alderson presented the following resolution, which was adopted:

*Resolved*, That a committee of five be appointed to take into consideration the destitute condition of a large number of the citizens of this State, and the most appropriate means of a present and permanent relief to the same.

Mr. Chappell called up the resolution of Mr. Alcorn, of yesterday, and on motion of Mr. Castello it was laid upon the table until such time as it can be considered by the proper committee.

Mr. Chappell introduced the following resolution:

*Resolved*, That the claims of Mr. Adams be recommended to the favorable consideration of the President in making additional appointments as Assistant Secretaries.

Which was laid on the table.

Mr. Cunningham moved the appointment of a committee on lights;

Which was carried.

Mr. Woodmansee offered the following resolution:

*Resolved*, That this Convention memorialize Congress to amend the reconstruction Acts so as to allow all persons who hold certificates of registry to vote wherever they may be on the day of election for the ratification of the several constitutions of the unreconstructed States.

Which was laid on the table until it can be referred to the appropriate committee.

Convention adjourned until Monday morning at 10 o'clock.

T. P. SEARS,
*Secretary.*

## SIXTH DAY.

JACKSON, MISS., Monday, January 13th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Journal read and approved.

Leave of absence was granted to E. G. Peyton, of Copiah, for two days.

Mr. Beam offered the following:

*Resolved*, That a special committee be appointed, consisting of five, to examine into the amount of taxes assessed and collected in this State for the years 1866 and 1867, and what disposition has been made of the same, and for this purpose, they be authorized to call upon any of the acting civil officers in any capacity pertaining to the same in this State, for information upon this, and report to this Convention at their earliest convenience.

Which was laid on the table for proper committee.

Mr. Field introduced the following:

WHEREAS, A common pecuniary ruin overwhelms the people of this State, from which it is impossible to extricate them without the aid and assistance of this Convention; and

*Whereas*, By reason of the late rebellion and the unlawful government established in the State, all civil and political rights have been so disturbed and modified, if not totally destroyed, that the obligation to comply with old contracts so unequal, oppressive, and unjust, and ruinous, that it requires the interposition of the sovereign power to equalize the rights and obligations of the people so as to carry out the spirit of the contracts existing before the war; therefore be it

*Resolved*, That the committee be instructed to inquire into the expediency of reporting an ordinance requiring the holder of any claim of any sort against another to receive, in payment therefor, any property the obligor may tender to him a deed for, to be valued at the market price when such obligation was entered into, and upon refusal to accept such tender or offer, the obligation to become null and void.

Which was laid on the table for proper committee.

Mr. McKee offered the following:

*Resolved*, In order to meet the expenses of this Convention, that State warrants to the amount of thirty-five thousand dollars be issued and made receivable by Sheriffs and other State officers in payment for taxes due the State of Mississippi, and other dues.

Mr. Stricklin offered the following as a substitute:

*Be it ordained by the Convention of the State of Mississippi*, That a *per capita* tax of two dollars and fifty cents be levied on each voter in the State of Mississippi to defray the expenses of this Convention; that the Sheriffs of the counties or their deputies, in attendance on the registrars of elections, be empowered to collect said tax and receipt for the same before their ballots are deposited; and said Sheriffs, or their deputies, shall be required to return all funds so collected, and deposit the same with the State Treasurer to redeem all warrants issued to defray the expenses of this Convention, and none other; and the Commanding General of the Fourth Military District is earnestly requested to aid in the execution of this ordinance.

Which was laid on the table.

On motion of Mr. Hauser, the original resolution was laid on the table until it could be referred to the proper committee.

Mr. Gibbs offered the following:

*Resolved*, That a special committee of three be appointed to inquire into the validity of the charter of the Gas Company of the city of Jackson, with power to send for persons and papers, and to report at their earliest convenience.

Which was adopted.

Mr. Morgan offered the following:

*Resolved*, That a committee of seven, with power to send for persons and papers, be appointed by the President of this Convention, to investigate and report upon the charges against a portion of the people of this State, as promulgated in a proclamation by B. G. Humphreys, Provisional Governor of the State of Mississippi.

Mr. Stricklin moved to lay on the table;

Which was lost.

Mr. Field offered the following, as a substitute for the above:

*Resolved*, That this Convention believes that there was no reasonable grounds to justify the proclamation charging any person or persons of evil intention or purpose to any portion of the people of the State.

Which was tabled.

Mr. Townsend offered the following:

Insert in the original, after the words "proclamation of the Governor," "issued at the request of the Commander of this military department."

Which was laid on the table.

The original resolution was adopted by the following vote:

Yeas—Messrs. Alderson, Alcorn, Barry, Beam, Bonney, Bridges, Caldwell, Castello, Chapman, Chappell, Clarke, Collins, Combash, Conley, Cunningham, Dowd, Drane, Elliott James, Elliott John, Fawn, Field, Fitzhugh, Gibbs, Goss, Handy, Hauser, Herbert, Holland, Howe, Hutto, Jacobs, Johnson A., Jones, Kerr, Lawson, Leas, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Miles, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Newsom, Ozanne, Parsons of Adams, Parsons of Hinds, Peyton of Hinds, Powell, Quinn, Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stringer, Stiles, Toy, Warren, Weir, Woodmansee, and Yeoman—69.

Nays—Messrs. Compton, Dalton, Gaither, Hemmingway, Johnson of Carroll, Lack, Merryman, McCutchen, Nelms, Phillips, Stovall Stricklin, Townsend, Walker, Watson—15.

Mr. Cunningham offered the following:

*Resolved*, That a copy of this resolution, signed by the President and Secretary of this Convention, be forwarded to the Chairman of the Union Republican Committee of the United States.

Which was adopted.

By Mr. F. Parsons:

*Resolved*, That the Sergeant-at-Arms be directed to take possession of the Senate Chamber, and put it in order, so that it may be used as a committee room for this Convention.

Which was adopted.

The Secretary respectfully reported the appointment of Mr. J. Lemly, of Hinds, as an Assistant Secretary, under the resolution of the Convention.

By Mr. Morgan:

*Resolved*, That a committee of three be appointed to inquire into certain charges against Mr. Barry, of Holmes, which have appeared in certain papers, with power to send for persons and papers.

Mr. Field offered the following:

That all other members of this body, charged with immoralities or crimes, be likewise embraced in this resolution;

Which was lost.

Mr. Compton offered the following, as a substitute:

*Resolved*, That in the opinion of this Convention, the defense of the private reputation of gentlemen on this floor, rests in the hands of members who feel themselves aggrieved.

Which was laid on the table.

By Mr. Townsend: And that the expense of such investigation be borne by the delegate in whose behalf it is made;

Which was lost.

The question then recurring on the original resolution, it was adopted.

Mr. Fitzhugh offered the following:

*Resolved*, That a vote of thanks be returned to the Executive Committee for the copies of the Alabama Constitution, to be transmitted by the President.

By Mr. Field: Add that we return thanks for those and any others that they may hereafter send us.

The amendmennt of Mr. Field to the original resolution of Mr. Fitzhugh was lost, and the original resolution was adopted.

Mr. Hauser offered the following:

*Resolved*, That a committee on Immigration, consisting of ten, two from each Congressional District, be appointed by the President.

Which was laid on the table.

Mr. Castello offered the following:

*Resolved*, That a committee of five be appointed by the Chair, whose duty it shall be to ascertain whether there is any member, or members, elected to this Convention, who have in any way identified theselves against the Reconstruction Acts of Congress, and who have declared the assemblage of this Convention unconstitutional, and who do not regard the ordinances of this Convention valid, and report as soon as possible.

On motion, the sesolution was made the order of the day for to-morrow at 12 o'clock.

Mr. Mygatt, chairman of the committee on Pay of Members and Officers, made the following report:

Mr. President: Your committee appointed to take into consideration the compensation of members and officers of this Convention, would state, that in consequence of the depreciated state of the currency, and increased expenses growing out of that fact, that in the opinion of your committee, the following compensation would be fair and just:

| | |
|---|---|
| For President, per diem | $20 00 |
| For Members, each, per diem | 10 00 |
| For Reporter, per diem | 15 00 |
| For Secretary, per diem | 15 00 |
| For Assistant Secretaries, each, per diem | 10 00 |
| For Sergeant-at-Arms, per diem | 10 00 |
| For Assistant Sergeant-at-Arms, each, per diem | 5 00 |
| For Chaplain, per diem | 10 00 |
| For Postmaster, per diem | 8 00 |
| For Doorkeeper, per diem | 5 00 |
| For Hall Porter, per diem | 4 00 |
| For Pages, each, per diem | 2 50 |
| For mileage for members, forty cents per mile | .40 |

Respectfully,
A. Mygatt,
*Chairman.*

Report received.

Mr. Compton, of the above named committee, submitted the following, as a minority report:

Mr. President: As a member of the committee appointed to suggest the rate of compensation of the officers and members of this body, I beg leave to submit the following preamble and resolution, as a minority report.

Very Respectfully,
W. M. Compton.

Whereas, The Military bill passed by the Congress of the United States, on the 2d day of March, 1867, together with the supplements thereto known as the reconstruction measures, are unconstitutional and unjust, and oppressive to the people of Mississippi; and

*Whereas,* In pursuance thereto, an officer of the United States Army has ordered the assembling of a Convention for the purpose of making revolutionary changes in the Constitution of the State; and

*Whereas,* Although the Constitution of the United States and laws made in pursuance thereof, are the supreme law of the land, yet the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people; and among the rights thus reserved to the States is the right to prescribe the qualifications for the elective franchise therein with which right Congress has no power to interfere; and

*Whereas*, In prescribing the qualification of voters in the election of delegates to the said Convention, a large and influential class of citizens of this State, who have heretofore exercised the right of suffrage under the Constitution of the United States and of the State of Mississippi, have been disfranchised; and on the other hand, a still larger class of persons, who are not and have never been recognized as citizens of this State, or of the United States, have been permitted to vote; and believing that a majority of the persons on this floor are either not citizens of this State, or that they have been elected by illegal votes; therefore, be it

*Resolved*, That this assembly is unconstitutionally convened, and is not competent to make amendments to the Constitution of the State of Mississippi, in any respect whatever, and therefore the officers and members of this body are not entitled to compensation for any services which they may see proper to perform, in such capacity, to the people of the State of Mississippi, or to the people of the United States.

Mr. Weir moved to reject the minority report.

The Chair decided there was no question before the Convention.

Mr. Weir appealed from the decision of the Chair.

Upon a division being called, the Chair was sustained, by the following vote: Yeas 61; nays 6.

Mr. Morgan offered the following:

*Resolved*, That the reports of the majority and minority of the committee on Compensation be received and printed, and made the special order of business for Thursday, at 12 o'clock.

Mr. McKee moved to lay the above on the table;

Which was adopted.

Mr. Mayson moved that the majority report on Compensation be adopted.

Mr. Field offered, as a substitute, the following:

*Resolved*, That the report be recommitted, with instructions to reconsider it, as it is extravagant and oppressive to the people.

A motion to lay on the table was lost.

The yeas and nays being called, resulted as follows: Yeas, 32; nays, 37.

Mr. Leas offered the following, as an amendment:

*Resolved*, That after twenty days, no one connected with this Convention, either as a member or otherwise, shall receive over five dollars per diem.

Which was laid on the table.

Mr. McKee offered the following:

*Resolved*, That the consideration of the whole matter be postponed until to-morrow, at 12 o'clock.

Which was adopted.

The President announced the following special committees:

### COMMITTEE ON RELIEF.

Messrs. Morgan, Nelms, Quinn, Stewart, Jacobs.

### COMMITTEE ON DESTITUTION:

Messrs. Alderson, Hauser, Parsons, of Adams, Elliott John, Watson.

### COMMITTEE ON LIGHTS:

Messrs. Cunningham, Montgomery, Chappell.

### COMMITTEE TO ASCERTAIN THE COST OF PUBLISHING PROCEEDINGS IN THREE PAPERS:

Messrs. Field, Gaither, Walker, Elliott Jas., Phillips.

### COMMITTEE ON PUBLIC LANDS:

Messrs. Fields, Alcorn, Stricklin, Newsom,

A communication was received from Headquarters Fourth Military District, in regard to the payment of Sheriffs serving at elections, and referred to the committee on Finance.

Committee on Credentials, having reported W. J. Lilley as being present, which is not so in fact, the Journal was accordingly corrected.

A motion to adjourn until to-morrow, at 10 o'clock, was lost.

Mr. Clarke offered the following:

*Resolved*, That no motion to adjourn *sine die* shall be entertained, unless five days previous notice be given.

Which was adopted.

Mr. Townsend gave notice that, on Saturday, the 18th inst., he would move that the Convention adjourn *sine die*.

On motion of Mr. Alderson, it was

*Resolved*, That the vote on the resolution of Mr. Morgan to receive and print and make the special order of business for Thursday, at 12 o'clock, the Report of the majority and minority of the committee on Compensation of Members, etc., be reconsidered.

Mr. McKee moved to adjourn until to-morrow, at 10 o'clock.

Which was carried, by the following vote: Yeas, 47; nays, 25.

T. P. SEARS,
*Secretary*.

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## SEVENTH DAY.

JACKSON, MISS., TUESDAY, January 14th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Woodmansee offered the following:

*Resolved*, That the ordinances offered by myself on yesterday morning, "declaring all debts, etc.," be stricken from the Journal.

Which was carried.

Mr. Townsend offered the following:

*Resolved*, That the staff officers of the Fourth Military District, temporarily sojourning in this city, be invited to seats within the bar of this Convention.

Mr. Hauser moved to lay on the table;

Which was lost.

Question recurring on the original motion, it was carried by the following vote: Yeas, 38; nays, 15.

Reports of committees being in order,

Mr. Cunningham, Chairman of the committee on Lights, made the following report:

MR. PRESIDENT: Your committee on Lights would report as follows: That as the Convention meets at 10:00 A. M., and adjourns at 2:00 P. M., that no additional light is needed for the sessions of this Convention, and as the different committees are in the habit of meeting at the private room of one of the members of the same, your committee are of the opinion that this practice had better be continued, and that each committee shall report the expense of the light so furnished for the action of this Convention.

All of which is respectfully submitted,

W. BEN. CUNNINGHAM,
*Chairman.*

On motion of Mr. Conely, the report was received and adopted.

The President announced the following standing committees:

### LEGISLATIVE DEPARTMENT.

Messrs. Barry, McKnight, Stringer, Gibbs, Warren, Orr, Alcorn.

### JUDICIARY.

Messrs. McKee, E. G. Peyton, Watson, Cunningham, Gaither, Herbert, Railsback.

### EXECUTIVE.

Messrs. Alderson, Fitzhugh, Hemmingway; Field, Mygatt, Longmire, Kerr, Johnson of Carroll, Lawson.

### GENERAL PROVISIONS.

Messrs. Castello, Mask, Stiles, Clarke, Stovall, Bonney, Parsons of Hinds.

### ORDINANCE AND SCHEDULE.

Messrs. Musgrove, Fawn, Caldwell, Stiles, Combash, Dowd, Jamison.

### ENROLLMENT.

Messrs. Weir, Morgan, Newsom, Montgomery, Cunningham.

### PRINTING.

Messrs. Orr, Jones, Quinn, Ozanne, Moore, Gray, Chappell.

### FINANCE.

Messrs. Parsons of Adams, Woodmansee, Smith, Jamison, Leas.

### MILITIA.

Messrs. Morgan, Nesbitt, Neilson, Handy, McKee, Richardson, Peyton of Hinds, Goss, Walker, Vaughan, Hutto, Phillips, Myers.

### PUBLIC EDUCATION.

Messrs. Clarke, Williams, Mayson, Chapman, Yeoman, Lack, Jacobs, Ballard, Bridges, Jones, Warren, Stewart, Powell.

### INTERNAL IMPROVEMENTS.

Messrs. Hauser, Drane, Elliott of Monroe, Nelms, Beam, Miles, Rainey.

### BILL OF RIGHTS.

Messrs. Mygatt, Leonard, Elliott of Itawamba, Jacobs, Johnson of Warren, Peyton of Hinds, Holland, Collins, Toy.

### CONTINGENT EXPENSES.

Messrs. Ozanne, Gibbs, Brinson, Conley, Railsback.

The following Special Committees were appointed:

### GAS COMPANY.

Messrs. Gibbs, Stiles, Toy.

### TO INVESTIGATE GOVERNOR HUMPHREYS' PROCLAMATION.

Messrs. Mayson, Alderson, Hauser, Jacobs, Field, Gibbs, Moore.

### TO INQUIRE INTO THE CHARGES AGAINST GEN. BARRY.

Messrs. Morgan, Orr, Williams.

A communication from Headquarters 4th Military District, in reference to W. T. Stricklin, was received and referred to a special committee of three.

On motion of E. A. Peyton, the President was authorized to appoint an additional Doorkeeper.

Mr. Beam, of Franklin, was granted a leave of absence for three days.

Mr. J. Lemly, as an Assistant Secretary, was sworn in.

The President announced the appointment of Elijah Robinson, as Assistant Doorkeeper;

Whereupon, E. Robinson, as an Assistant Doorkeeper, and Rolla Williams, as Assistant Sergeant-at-Arms, were sworn in.

Mr. Holland offered the following:

WHEREAS, The minority report of the committee on Compensation is believed to be intended as an insult to this Convention, inasmuch as it declares that the military bill passed by the Congress of the United States for the more efficient government of the rebel States thereunder, is unconstitutional, and declares this Convention to be an illegal body and a farce; therefore, be it

*Resolved*, That it is the sense of this Convention that the minority of that committee withdraw from this body, which they consider illegal, without compensation, and pay their own expenses while here, and in coming to and going from this place.

Mr. Morgan offered the following as a substitute:

WHEREAS, The Act of the Congress of the United States entitled an Act to provide for the more efficient government of the rebel States, passed March 2, 1867, and the Acts supplemental thereto, provided for the assemblying of a Convention of the loyal citizens of the State of Mississippi, by the choice of delegates, duly elected and qualified, to represent said loyal citizens; and

*Whereas*, Said Acts of Congress, authorize said loyal citizens, by their delegates in Convention assembled to form a Constitution and civil government for the said State of Mississippi, in conformity with the Constitution of the United States in all respects; and

*Whereas*, Said Convention has assembled, is duly organized, and by its President, has appointed a committee entitled a committee on Compensation of Members, and transactad other business; and

*Whereas*, Said committee has submitted a majority and minority report for the consideration and action of said Convention; and

*Whereas*, The report of the majority of said committee, is, in every respect, in conformity with the law, and has been received to be considered by the whole Convention; and

*Whereas*, The report of the minority of said committee, by Mr. Compton, a duly elected and qualified member from Marshall county, is obnoxious to all law, and is intended, we believe, as a direct insult to the loyal people, and is an open and avowed defiance of the law of the land, and in its language well calculated to disturb the public peace and tranquility, thereby obstructing reconstruction; therefore, be it

*Resolved by the loyal people of the State of Mississippi, in Convention assembled,* That the said minority report be rejected; that the said Compton merits the censure of this Convention, and that he be granted a leave of absence for fourteen days.

Pending the discussion of Mr. Morgan's substitute, the hour of 12 o'clock having arrived, the President announced the regular order of the day as being Mr. Morgan's resolution, of yesterday, and it again being put before the Convention, it was lost.

The special order having been announced, being Mr. Castello's resolution of yesterday, it was adopted.

Further special order, the resolution of Mr. Mayson on compensation of members, etc., being called, the following was offered, as a substitute, by Mr. McKee:

*Resolved,* That the report of the majority of the committee on Compensation be recommitted to the committee, with instructions to report on Saturday of next week, at 12 o'clock.

Which was carried.

On motion of Mr. Clarke, it was resolved to make the consideration of Rules the special order for to-morrow, at 12 o'clock.

The Convention resumed the consideration of regular business, to-wit: Mr. Morgan's substitute to Mr. Holland's resolution; which, on motion of Mr. Gaither, together with the original, was laid on the table.

Mr. Musgrove offered the following:

*Resolved,* That it is the sense of the Convention, that the delegate from Marshall, in the minority report, which he has submitted, has violated the spirit and obligation of the registry oath, which he claims to have taken.

The yeas and nays being called, the resolution was adopted, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Ballard, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Clarke, Dowd, Drane, Elliott Jas., Field, Fitzhugh, Gibbs, Handy, Hauser, Holland, Jacobs, Johnson S., Lawson, Leas, Leonard, Mayson, Musgrove, Myers, Moore, Morgan, Miles, Mygatt, Newsom, Ozanne, Parsons of Adams, Parsons of Hinds, Peyton of Hinds, Powell, Quinn, Railsback, Smith, Stewart, Stringer, Stites, Toy, Warren, Weir, Woodmansee, and Yeoman—49.

NAYS—Messrs. Beam, Collins, Combash, Compton, Cunningham, Dalton, Elliott Jno., Fawn, Gaither, Goss, Grey, Hemmingway, Howe, Hutto, Jamison, Johnson of Warren, Kerr, Lack, Montgomery, Mask, Merryman, McCutchen, McKee, Nelms, Phillips, Rainey, Richardson, Stiles, Stovall, Towsend, Vaughan, Walker, and Watson—33.

Mr. Townsend moved to allow all gentlemen to explain their votes;

Which was laid on the table.

A motion to adjourn till 10 o'clock to-morrow was carried, by the following vote: Yeas, 42; nays, 32.

T. P. SEARS,
*Secretary.*

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## EIGHTH DAY.

JACKSON, MISS., Wednesday, January 15th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Quorum present.

Journal of yesterday read and approved.

Mr. Field offered the following:

WHEREAS, Much protracted debate and loss of time results from a diversity of opinion, relative to the character of our Government, its fundamental laws and principles, it is desirable that the sense of this Convention should be taken on each question, the settlement of which, by its vote, may avert the evils apprehended; therefore, be it

*Resolved*, That, according to the principles, laws, and Constitution of our State and national government, all legislative Acts passed, according to constitutional forms, are binding and valid as constitutional law, which all individuals, corporations, and officers, are bound to obey, from the time of their enactment until rendered void and of non-effect by judicial decision that they are unconstitutional, or repealed by the power that enacted them.

Mr. Gaither moved that its consideration be postponed, and it be made the special order for Friday next;

Which was lost.

The preamble and resolution of Mr. Field was then adopted, by the following vote:

YEAS—Messrs. Alcorn, Barry, Bonney, Bridges, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Cunningham, Dowd, Drane, Elliott of Itawamba, Elliott of Monroe, Fawn, Field, Fitzhugh, Gibbs, Goss, Handy, Hauser, Holland, Howe, Hutto, Jacobs, Johnson of Warren, Jones, Kerr, Lack, Lawson, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Moore, Miles, Myers, Mygatt, Newsom, Orr, Ozanne, Peyton of Hinds, Powell, Quinn, Railsback, Rainey, Richardson, Stewart, Stiles, Stovall, Stringer, Stites, Toy, Vaughan, Warren, Williams, Woodmansee, and Yeoman—61.

NAYS—Messrs. Compton, Dalton, Gaither, Gray, Hemmingwao, Johnson of Carroll, Merryman, Morgan, McCutchen, Nelms, Nesbitt, Phillips, Townsend, and Watson—14.

Mr. Compton moved to adjourn;

Which was lost.

Special order of the day being call, Mr. Barry moved to suspend the Rules, so as to allow the committee on Stationery to report;

Which was carried.

Mr. Castello, the Chairman, submitted the following report:

Mr. President: The committee appointed to procure stationery for the use of the Convention, would respectfully report that said committee authorized Mr. D. McA. Williams, one of the committee, to proceed to New Orleans and purchase for the use of the Convention the necessary stationery. Mr. Williams has returned, and brought with him the stationery. The bill is herewith attached:

New Orleans, January 13, 1868.

Mr. D. McA. Williams, bought of H. D. McGinnis:

| | |
|---|---|
| 25 reams sup. letter paper @ $5 50 | $137 50 |
| 20 reams sup. extra paper @ $9 50 | 190 00 |
| 50 reams sup. cap extra paper @ $9 | 450 00 |
| 10 reams sup. legal cap paper @ $12 | 120 00 |
| 150 dozen steel pens | 18 00 |
| 500 sheets blotting paper | 15 00 |
| 900 pen-holders | 18 00 |
| 50 dozen quill pens | 24 00 |
| 150 ink-stands | 42 00 |
| 8 quarts Arnold's fluid ink | 16 00 |
| 4 dozen bottles carmine ink | 16 00 |
| 650 Faber's pencils | 80 00 |
| 25,000 envelopes, assorted | 175 00 |
| 500 legal envelopes | 12 00 |
| 500 legal envelopes | 10 00 |
| 120 rubber erasers | 12 00 |
| 150 bottles mucilage | 48 00 |
| 50 boxes paper fasteners | 40 00 |
| 6 boxes—packing | 6 00 |
| Express charges, etc., to Jackson | 29 30 |
| Total | $1,458 80 |

On motion of Mr. Barry, the report was received, and the bill allowed.

Mr. Newsom was permitted to make an explanation in reference to attacks made upon him by certain papers.

The special order of the day coming up, on motion of Mr. Gibbs, the rules, as amended, were severally adopted, as follows:

No. 1 was so amended as to read as follows:

In the third line, after the word "order," read, "Call upon Chaplain to open the Convention with prayer."

Amend No. 38 by striking out all after the word "rule," to the words, "shall be suspended," etc.

No. 42 was amended so as to read "5 o'clock on the same day on which it shall have been read."

Amend No. 47 by adding the words, "and such other officers as may be deemed necessary; the same to be appointed by the President of this Convention."

All other rules were adopted as reported by the committee, and printed.

Mr. Cunningham gave notice that he would move to amend rule No. 10 on to-morrow.

The hour of adjournment having arrived, the Convention adjourned until to-morrow at 10 o'clock.

T. P. SEARS,
*Secretary.*

## NINTH DAY.

JACKSON, MISS., Thursday, January 16th, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Railsback offered the following:

WHEREAS, A large portion of the planters and business men of the State of Mississippi are grievously oppressed by unliquidated liabilities; and

*Whereas*, The liabilities aforesaid were chiefly incurred prior to the late rebellion, and at a time when the people were supposed to be wealthy and the country in a prosperous condition; and

*Whereas*, In consequence of the great decline in the price of cotton, the chief product, real estate has declined in value, business has been prostrated, thereby augmenting the embarrassments of the people, and rendering them wholly unable to extricate themselves from their burden of debt; and

*Whereas*, If the liabilities aforesaid are collected by legal proceedings, the property of the indebted will be sacrificed at ruinous prices, their obligations remain unsatisfied, and inevitable bankruptcy must follow; and

*Whereas*, The welfare of the people and the prosperity of the State demands the immediate consideration of these questions by this Convention; therefore, be it

*Resolved*, That the Finance Committee be instructed to inquire into the expediency of this Convention rendering prompt relief to citizens aforesaid, and draft an article or articles, to be incorporated in the Constitution of the State of Mississippi, suspending all legal proceedings now instituted in any of the courts in said State, and staying the collection of all debts, whatsoever kind they may be, that were incurred prior to the date of the adoption of the Ordinance of Secession, by Mississippi, attempting to dissolve her relation to the Federal Government, for a period of ninety-nine years from and after the adoption, by the people of said State, the Constitution now being framed by this Convention.

Mr. Alderson moved to postpone indefinitely;

Which was lost.

Mr. Field offered the following amendment:

To insert five instead of ninety-nine years, and that the Commanding General be requested to suspend the collection of all debts until the meeting of the Legislature;

Which was laid on the table.

Mr. Castello offered the following:

*Resolved*, That Joseph Lemly, at present acting as Minute Clerk, be elected *viva voce* Minute Clerk of the Convention, as provided in Rule 47.

Which was adopted.

Mr. Alcorn offered the following:

WHEREAS, The change wrought by an alteration in the base of popular sovereignty, by the accession of a large number of citizens too poor to travel without much loss of time and money, to seats of county justice, remote from their homes; therefore, be it

*Resolved*, That a committee of five be appointed by the President of this Convention, on County Boundaries, with a view to give such power to the Legislature as the present and future exigencies of the State now demands, or hereafter may require.

Which was adopted.

Mr. Castello offered the following:

*Resolved*, That this Convention may resolve itself at any time into a Committee of the Whole, on demand of any one member, seconded by a majority of the Convention, and when so sitting, the President shall vacate the chair, and call any member to preside over the Convention.

Which was lost.

Mr. McKee, of Warren, offered the following:

*Resolved*, That the following section shall be inserted in the Constitution of Mississippi:

SECTION —. All persons shall be entitled to equal civil and political rights by law, and no property qualification for eligibility to office, or for the right of suffrage, shall ever be required in this State.

Mr. Barry moved to refer the above to committee on Bill of Rights;

Which was adopted.

Mr. Mygatt, of Warren, offered the following:

*Resolved*, That a special committee of five on Franchise be appointed by the President, to report on call.

Which was adopted.

Mr. Orr, of Harrison, offered the following:

WHEREAS, There exists in the minds of some of the members of this Convention, doubts as to the rights of this Convention to decide upon the qualification and eligibility of its own members, they deeming the orders of the commanding General of the Fourth Military District conclusive as to rights of the members elect to seats in this body; therefore, be it

*Resolved,* That a special committee of three be appointed by the President, to wait up Major Gen. Alvin C. Gillem, commanding Fourth Military District, and request his opinion, under the law of the rights of this Convention on this and other subjects of importance and interest to the same.

Mr. Parsons, of Adams, moved to lay on the table;

Which was adopted.

Mr. Field offered the following:

WHEREAS, Experience proves that moral depravity and financial embarrassment are the general results of the credit system, whereby deceit, violence, and corruption, are increased much to the deterioration of society; therefore, be it

*Resolved,* That a committee of five be appointed by the chair to examine into the expediency of exempting ten thousand dollars' worth of property from execution, the valuation to be found by reference to Assessor's books; and also recommend the passage of such other ordinances as in its opinion may tend to discourage the credit system.

Mr. Castello moved to commit to Finance Committee;

Which was lost.

Mr. Alderson moved to lay resolution and motion on the table;

Which was adopted.

Mr. Orr, of Harrison, offered the following:

*Resolved,* That a committee of Conference, to be composed of three members, be appointed by the Chair, for the purpose of conferring with the Commanding General of the Fourth Military District, on subjects of interest and importance to this Convention.

Which was adopted.

Mr. Cunningham offered the following:

*Resolved,* That the different committees on the various departments of the Constitution, be instructed by this Convention, to adopt the old Constitution of the State of Mississippi, so far as suitable; the committees making such omissions, additions, and changes, as the new order of things may require.

On motion of Mr. Orr, of Harrison, the resolution was laid on the table.

Mr. Clarke offered the following:

*Resolved,* That the resolution of Mr. McKee, relative to issuing warrants to defray the expenses of the Convention, be taken from the table and referred to the committee on Finance.

Which was adopted.

Mr. Castello offered the following:

*Resolved,* That the Finance Committee be instructed to frame an ordinance, and present it to this Convention, levying a tax upon the property of this State, real and personal, to pay the expenses of this body.

Which was adopted.

Mr. Clarke, of Yazoo, offered the following:

*Resolved*, That the President be requested to appoint a Reading Clerk, and Assistant Reporter, for this Convention.

Which was adopted.

Mr. Stringer of Warren, offered the following:

*Resolved*, That suffrage shall be universal, and all male citizens, of any race or color, without regard to any previous condition, excepting such as have been disfranchised for participating in the late rebellion or war against the United States Government, or for felony committed against the laws of any State of the United States, whereof the parties have been convicted in any court having jurisdiction thereof, who have attained the age of twenty-one years, and have been residents of the State for the last twelve months, and of the county six months preceding the day of election, and are citizens of the United States, shall have the right to vote at all elections held in this State; and the Legislature shall provide by law for the faithful execution of this article.

Referred to committee on Bill of Rights.

The President announced the appointment of the following committee as indicated by Mr. Castello's resolution, to inquire into the loyalty of the members of this Convention:

Messrs. Castello, of Adams, Chappell, of Noxubee, Barry, of Holmes.

The President also announced special committee on papers referring to Mr. Stricklin:

Messrs. Fawn, of Washington, Holland, of Oktibbeha, Clarke, of Yazoo.

Mr. Gibbs offered the following:

*Resolved*, That one hundred and fifty copies of the amended rules be printed for the use of the Convention;

Which was adopted.

Mr. Parsons, of Adams, offered the following:

*Resolved*, That the Postmaster of this Convention be instructed to make the necessary arrangements with the Postmaster of this city for the forwarding of all mailable matter required by the members of this Convention.

Which was adopted.

Mr. Gibbs, of Wilkinson, offered the following:

*Resolved*, That the Finance Committee be instructed to report an ordinance reducing the county tax in the several counties for the year 1867.

Referred to the Finance Committee.

Mr. Alcorn, of Yalobusha, offered the following:

*Resolved*, That an ordinance be inserted in the Constitution providing that any inhabitant of this State, who shall hereafter be engaged in a duel, either as principal or accessory, shall forever be disqualified as an elector, and from holding any office under the Constitution and laws of this State, and any one offending against the said ordinance shall be subject to the pains and penalties of perjury.

Referred to committee on General Provisions.

Mr. Jacobs, of Adams, offered the following:

*Resolved*, That none of the public money of this State shall ever be used in supporting any sectional school whatever.

Referred to the Committee on Education.

Mr. Jacobs, of Adams, offered the following:

*Resolved*, That on public conveyances in this State, all persons shall have the same rights, without regard to race or color.

Referred to committee on Bill of Rights.

Mr. Peyton, of Hinds, offered the following:

WHEREAS, The freedmen of this State have been heavily taxed by the Legislature of the State of Mississippi, and representation has been denied them by said Legislature, contrary to the spirit of republican institutions, those institutions for which our forefathers fought, and which it is our duty to sustain; therefore, be it

*Resolved*, That the Commanding General of this Departmant be requested by this Convention to direct Tax Collectors to suspend the collection of all taxes which may have been assessed against such freedmen prior to the first day of January, 1868.

Mr. Watson, of Marshall, offered the following amendment:

Amend by inserting after the word "freedmen," "all females and minors."

The original and amendment were laid on the table.

Mr. Gibbs, of Wilkinson, offered the following:

*Resolved*, That the resolution introduced by Mr. Beam, of Franklin, to inquire into the disposition of the taxes collected in the State of Mississippi, for 1866-67, be referred to the committee on Finance.

Which was adopted.

Mr. Stringer, of Warren, offered the following:

*Resolved*, That the Legislature shall provide for the education of all the children in this State, between the ages of six and eighteen years, by maintaining a system of free public schools, by taxation, or otherwise, and that said children be required to attend such schools.

Referred to the committee on Education.

Mr. Castello, of Adams, offered the following ordinance on education:

SECTION 1. The supervision of public instruction, shall be vested in a State Superintendent, and such other officers as the Legislature shall direct.

SEC. 2. The supervision of public instruction, shall be vested in a Board of Education, whose powers and duties shall be prescribed by law. A Superintendent of public schools, who shall be the President of the Board, shall be elected by the qualified voters of the State. He shall possess the qualifications of a State Senator, and hold his office for the term of four years. He shall perform such duties, and receive such compensation as may be prescribed by law. The Secretary of State, and the Attorney General, shall be *ex officio* members, and with the Superintendent, shall compose said Board of Education.

Sec. 3. There is hereby created and established, a School Fund, which shall consist of the proceeds of all lands belonging to this State, and of lands now or hereafter vested in this State by escheat or purchase, or forfeiture for taxes, the proceeds of all lands that have been or hereafter may be granted by the United States to this State for educational purposes, including all lands granted to this State by the United States, known as swamp or overflowed lands; and the clear proceeds of all fines collected in the several cities and counties for any breach of the penal laws, and the clear proceeds of all fines collected for every description of misdemeanor, and all moneys received by each county for estrays forfeited by the owners thereof, and all moneys received by each county respectively for licenses granted for the sale of intoxicating liquors or keeping of dram shops, and the clear proceeds of all property that may hereafter be forfeited to the State through any cause whatever—the interest of which, together with twenty-five per cent. of the State revenue shall be annually set apart for school purposes, and such other revenues as the Legislature may deem proper, shall be set apart and become a perpetual school fund, and be exclusively applied to the following objects, to-wit: First, To the support and maintenance of common schools in each school district, and the purchase of suitable libraries and apparatus therefor. The residue (if any) shall be applied to the support and maintenance of academies and normal schools.

Sec. 4. The Legislature shall provide by law for the establishment of district schools; and such schools shall be free and without charge for tuition to all children between the ages of five and twenty years. In case the public moneys shall be insufficient for tuition in any school district, the balance shall be raised by tax on all the taxable property in the district.

Sec. 5. Provision shall be made by law for the distribution of the income of the school fund among the several cities and school districts of the State, for the support of common schools therein, in some just proportion to the number of children and youth resident therein between the ages of five and twenty years; but no money shall be paid out of the school fund to any school district, either in city or township, unless a school has been kept at least three months within the school year for which such moneys are appropriated, and all such moneys (if any) shall be equally divided among the school districts in the township to which such money was originally appropriated according to the number of children and youths in each district between the ages above specified.

Sec. 6. The Legislature of this State is hereby prohibited from loaning or using the School Fund for State purposes, but shall keep it inviolate for the use and purpose above specified; *Provided*, They may pass laws to loan any part of the School Funds to individuals upon good and sufficient real estate security where the amount loaned exceeds one hundred dollars, and personal security in sums less than one hundred dollars, with interest not less than seven, nor to exceed ten per cent. per annum, payable annually.

Mr. Gibbs, of Wilkinson, offered the following:

*Resolved*, That the Secretary of this Convention be instructed to return the communication from Head Quarters, Fourth Military District, in reference to Mr. Stricklin, of Tippah, with the endorsement: "That as the charges are contained in an anonymous letter, they cannot be entertained by this Convention."

Mr. Clarke, of Yazoo, moved to refer to special committee on the subject;

Which was adopted.

Mr. Compton, of Marshall, offered the following:

*Resolved*, That the officers and members of the Mississippi Press Convention, now in session in this city, be invited to seats within the bar of this Convention.

Which was lost.

Mr. Fitzhugh, of Wilkinson, offered the following:

*Resolved*, That all members of the Press Association, not unfriendly to reconstruction, be respectfully invited to seats within the bar of the Convention.

Which was laid on the table.

Mr. Castello, of Adams, offered the following:

*Resolved*, That all members of the press now temporarily sojourning in the city, be invited within the bar of the Convention.

Which was laid on the table, by the following vote: Yeas, 40; nays, 30.

Mr. McKee, of Warren, offered the following:

*Resolved*, That all gentlemen of the press be invited to seats in this Convention.

Mr. Barry, of Holmes, offered the following:

*Resolved*, That all resolutions and amendments made, or hereafter to be made, having reference to invitations to editors, be laid on the table.

Which was adopted.

Leave of absence was granted to the following named gentlemen, for the period opposite their names: Mr. Lack, three days; Mr. McKnight, three days; Mr. Watson, for one week; Mr. Montgomery, for three days; and Mr. Collins, for ten days.

Mr. Parsons, of Adams, Chairman of Finance Committee, submitted a report.

And on motion of Mr. Orr, it was

*Resolved*, That two hundred copies be printed for the use of the Convention, and made the special order for 12 o'clock Monday.

Rule thirty was so amended, as to read after the word presented, "and proceed to call the counties alphabetically."

Mr Barry, of Holmes, moved to refer the printing of Rules to the committee on Printing;

Which was carried.

Mr. Woodmansee, of Monroe, offered the following:

*Resolved*, That the President direct the Sergeant-at-Arms to box up all the military papers now in the committee rooms of this building belonging to the late so-called Confederate States, and send the same to the the Secretary of War of the United States.

Which was laid on the table.

On motion, the Convention adjourned until to-morrow morning, at 10 o'clock.

T. P. Sears,
*Secretary*.

## TENTH DAY.

Jackson, Miss., Friday, January 17th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Quorum present.

Journal of yesterday was read and approved.

Mr. Castello, of Adams, introduced an ordinance in reference to the militia.

Referred to the committee on Militia.

Mr. Castello, of Adams, introduced an ordinance on education;

Which was read, and referred to committee on Education.

Mr. Parsons, of Adams, offered the following:

*Resolved*, That a special committee of five be appointed by the Chair to inquire into the propriety of removing the Capitol of the State to some more loyal and convenient place.

Referred to committee on Legislative Department.

The following was offered by Mr. Weir, of Oktibbeha:

Whereas, The State House is in a dilapidated condition, which will require heavy expenditure for repairs, or an entire new building; and,

*Whereas*, It is well known, that the seat of government is not as near the geographical center of the State as is suitable, and in as healthy a site as can be obtained, and that, in justice to the inhabitants now, and for all time to come, the seat of government should be established as near the center of the State as a healthy location can be obtained; therefore, be it

*Resolved*, That the President appoint a committee of three from each Congressional District, to ascertain as near as possible where it should be permanently located as the seat of government of the State of Mississippi, and report to this Convention at their earliest convenience, by ordinance or otherwise.

Mr. Cunningham, of Madison, moved to lay on the table;

Which was lost.

Mr. Weir, of Oktibbeha, moved to refer to committee on Ordinances and Schedule;

Which was lost.

Mr. Howe, of Panola, moved to lay on the table, which was carried, by the following vote: Yeas, 46; Nays, 8.

Mr. Holland, of Oktibbeha, offered the following:

*Resolved*, That the President of this Convention appoint a standing committee of five on County Boundaries.

Which was adopted.

Mr. Stiles, of Claiborne, offered the following;

*Be it ordained by the people of the State of Mississippi, in Convention assembled*, That it shall not be lawful hereafter, for the Legislature of the State of Mississippi, or for any county, town, or other corporation authorized to collect taxes, to lay any poll tax to exceed the sum of one dollar *per capita*.

Referred to committee on Ordinances and Schedule.

Mr. Newsom, of Claiborne, offered the following:

*Reolved*, That the following articles be inserted in the Constitution:

1st. Every male citizen of the United States of the age of twenty-one years, who shall have been a resident of this State one year and four months, preceding any election in the precinct or ward of any city, where he may reside, shall be entitled to vote for all officers that now are or hereafter may be elected by the people; *Provided, however*, That no person in the military, naval or marine service of the United States, shall be considered a resident in this State by being stationed in any garrison barrack, military, or naval place, or stationed within this State, and no pauper, idiot, or insane person, shall exercise the privilege of an elector, or any person convicted of a crime which excludes him from being a witness, and having served his term of sentence in the State prison, shall ever enjoy the right of an elector in this State.

2d. Every person shall be disqualified from holding any office of trust in this State, who has been convicted of having given or offered a bribe to procure his election or appointment.

3d. Laws shall be made to exclude from office and from the right of suffrage those who shall hereafter be convicted of bribery, threat, perjury, forgery, or other high crimes or misdemeanors, or for discharging employees for voting.

4th. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting under adequate penalties, all under influence thereon, from bribery, threat, tumult, or other improper practice.

Referred to committee on Legislative Department.

Mr. Newsom, of Claiborne, offered the following:

*Resolved*, That this article be inserted in the Constitution:

1st. The Legislature shall provide by law for the repairing of all levees on the Mississippi river, and other streams navigable for steamboats, on the margin of which farming lands are damaged by overflows, by levying a tax on said lands; also, on the real estate in those counties that have large bodies of lands damaged by inundations.

2d. The levying of taxes by the poll is grievous and oppressive, therefore the Legislature shall never levy a poll tax for county or State purposes.

3d. Laws shall be passed taxing, by uniform rate, all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise; also, all real and personal property according to its true value in money; but burying grounds, public school-houses, and lands used exclusively for religious worship, and parsonages, institutions of purely public charity, property used exclusively for any public purposes, to the amount of an annual income not exceeding five thousand dollars, and personal property to an amount not exceeding in value two hundred dollars, shall be exempt from taxation.

Mr. Woodmansee, of Monroe, moved to lay on the table;

Which was lost.

Referred to committee on Legislative Department.

Mr. Chapman, of Covington, offered the following:

*Resolved*, That the President be requested to appoint two clerks, whose duty it shall be to wait on standing committees.

Which was laid on the table.

Mr. Handy, of Copiah, introduced an ordinance in reference to suffrage;

Which was read and referred to the committee on Legislative Department.

Mr. Orr, of Harrison, offered the following;

*Resolved*, That the committee on Printing be, and is hereby authorized to have the names of all members of this Convention, and the number of the seats occupied by them, printed on, slips of paper, and furnished to the Sergeant-at-Arms, with the request to have the same attached to the desk of each member in order to plainly designate the same.

Referred to the committee on Printing.

Mr. Orr, of Harrison, offered the following:

*Resolved*, That the committee on Printing be, and is hereby authorized and empowered to have inserted in the rules of order of this Convention, under the head of standing committees, the names of the members composing such committees.

Referred to committee on Printing.

Mr. Elliott, of Itawamba, offered the following:

WHEREAS, A great many citizens of the State of Mississippi have been and still stand disfranchised, so that they cannot vote or hold office, while the rebels and secessionists can come up and vote; therefore, be it

*Resolved*, That the President of this Convention shall appoint a committee of five, whose duty it shall be to receive the names of applicants for pardon, and to inquire into and report the same, to this Convention.

Mr. Woodmansee, of Monroe, offered the following:

*Resolved*, That the words "nor hold office," be stricken out of Mr. Elliott's resolution.

Which was lost.

The question then recurring on the original resolution, it was laid on the table.

Mr. Hauser, of Kemper, offered the following:

*Resolved*, That no person shall be appointed to any clerkship, or assistant clerkship, either by the President of this Convention, or by any committee, who did not vote at the election for delegates to this Convention; *Provided*, That satisfactory reasons may be given for not having voted.

Mr. Orr, of Harrison, offered the following amendment:

*Provided*, That all clerks and officers of this Convention, hereafter elected or appointed, be and are hereby required to take and subscribe the oath of office provided by the act of Congress, of July 2, 1862, for officers of the United States.

Original and amendment laid on the table.

Mr. Merryman, of Lauderdale, offered the following:

*Resolved*, That all male citizens of Mississippi, arriving at the age of twenty-one years, after the first day of January, 1869, who cannot read the Constitution of the State, and that of the United States, and write their names, shall not be eligible to vote or hold office.

Mr. Mygatt moved to lay on the table;

Which was adopted.

Mr. Lawson offered a resolution relative to disturbing religous worship, and imposing fines for same;

Which was laid on the table.

Mr. Warren offered the following:

*Resolved*, That a special committee of five, one from each Congressional District, be appointed, whose duty it shall be to prepare a list of names of persons in this State, who desire their political disabilities to be removed, and who are deserving of the same, and that said committee report to this Convention names of persons in whose behalf Congress shall be petitioned.

A motion to lay on the table was lost.

Question recurring on the original resolution, it was adopted.

Mr. Field introduced an ordinance in reference to amnesty, as follows:

WHEREAS, A great diversity of opinion has existed among all classes of the people, ever since the revolution of 1776, as to the relative powers of the State and National Governments; and

*Whereas*, Large numbers of the most highly endowed with learning and talent have believed and taught the doctrine that any State, by virtue of its reserved power in the Constitution expressed, has a right, by a majority of its voters, to secede from the others whenever it feels persuaded that its lasting interests demand it; and

*Whereas*, A majority of the people of the State of Mississippi did, on the 9th day of January, 1861, attempt to practice upon this supposed right, by passing in an assembly of its citizens, called a Convention, an ordinance whereby the Union of these States was attempted to be dissolved, against the expressed will of the people of the United States, as contained in the Articles of Confederation, which made it perpetual, and of the Constitution which was ordained and established to make it more perfect; and

*Whereas*, An overwhelming majority of the people of the United States have ever entertained contrary opinions, and did, by force of arms, resist and overcome the late effort to carry into effect said disunion doctrines; and

*Whereas*, Though by the laws of war and nations, the minority have, by reason of their rebellious efforts aforesaid, forfeited all civil and political rights, yet the present majority of recognized citizens in the State of Mississippi, being desirous of restoring them to all their lost rights and immunities, that of suffrage included; so soon as it can be done consistent with the future peace and security of the State, and the rights, liberties, and franchises which have accrued to the colored race within its limits, by virtue ot the laws, proclamations, and other acts done and performed by the people of the State, through their representatives in Convention or State Legislatures assembled, whether these assemblages be in strict accordance with regular constitutional action or not, and also of the authorities of the United States, whether performed by virtue of constitutional power in peace, or by virtue of constitutional authority in war, to confer or forfeit rights of citizenship as the interests and necessities of the State may require; and

*Whereas*, The known high character of large numbers of such as have forfeited their rights as aforesaid, give assurance tdat they were actuated by what they, though in error, thought was devotion to the Constitution of their fathers, and the further guarantee that whatever obligations they may incur by promises of future obedience to and support of the Constitution as understood by those who, by a majority of votes and force of arms, have settled and determined the proper and final construction to be put upon that instrument, so far as the above question is concerned, unless it should be reversed and unsettled by some future judicial decision of the Supreme Court; therefore, be it

*Ordained*, That every male citizen of the State, who will file with the Clerk of the Circuit Court of the county in which he may be at the time he takes it, the following oath or affirmation, to-wit:

"I, ———, a citizen of the United States, and of the State of Mississippi, prior to the —— day of ——, 1861, do solemnly swear, that, believing it to be settled by the late civil war, or rebellion, that the Union of the United States cannot be dissolved but by successful revolution or universal consent, I will hereafter neither say nor do anything calculated to disturb its unity, and will discourage all others from doing and saying anything likely to produce it, whenever the subject is ascertained. And I also swear that I will sustain and uphold the right of universal suffrage to every male inhabitant of Mississippi, not criminal, forever; so help me God."

This Ordinance to go into effect one year after members are admitted into both Houses of Congress. Until such time, none other than those who voted for or against members to this Convention be permitted to vote in this State.

Which, on motion, was referred to committee on Ordinances and Schedule.

Mr. Gaither, of Lee, offered the following:

*Resolved*, That General A. C. Gillem, commanding Fourth Military District, be requested to furnish this Convention with a copy of the registration of voters in this State, by counties, if not in his opinion incompatible with the public interest.

Mr. McKee moved to lay on the table;

Which was adopted.

Mr. Cunningham offered the following:

WHEREAS, There are many schools in operation in this State, which are doing much towards the education of the masses of the people; and,

*Whereas*, The said schools are, in many instances, losing their influence and usefulness, on account of the desolated condition of the country, and other causes; therefore, be it

*Resolved*, That all schools and institutions of learning, of whatever kind, now in operation in this State, be encouraged and assisted by appropriations, or otherwise, and that this subject be especially commended to the consideration of the committee on Public Education.

Which was adopted.

Mr. Elliott, of Monroe, offered the following:

WHEREAS, A large per centage of the honest citizens of the State of Mississippi, are in such embarrassed circumstances by the contraction of debts before or during the rebellion, with an honest intention to pay, but all their adequate effects being swept off by the war, and having no prospect at present, nor hope in the future, to liquidate them; therefore, be it

*Resolved*, That this Convention pass an ordinance abolishing all debts, contracts and judgments that may have been contracted prior to the 28th of April, 1865.

Mr. Alderson moved to lay on the table;

Which was lost.

The President announcing the call of business under regular order, and no business appearing,

Mr. Gibbs, of Wilkinson, offered the following:

*Resolved*, That the committee on Ordinances and Schedule be instructed to report an ordinance providing that hereafter no official bond shall be required of any person or persons who shall hereafter be elected or appointed to any office in the State of Mississippi, and to provide, further, that all such officers who shall be convicted of any malfeasance in office, shall be subject to fine and imprisonment, and be forever disqualified from voting or holding office in this State.

Referred to committee on Ordinances and Schedule.

Mr. Fitzhugh, of Wilkinson, offered the following:

*Resolved*, That the committee on Ordinances and Schedule, be instructed to take into consideration the propriety of introducing an ordinance abolishing the county courts of the several counties in this State, and of increasing the powers and jurisdiction of justices of the peace.

Referred to committee on Ordinances and Schedule.

Mr. Musgrove, chairman of the committee on Ordinances and Schedule, to whom was referred an ordinance in reference to the publication of the proceedings of this Convention, and for supplying the members with certain papers, introduced an ordinance on the subject.

Mr. Cunningham moved that it be read, and that it be made the special order for Tuesday next, and two hundred copies be printed for the use of the Convention.

Mr. Orr submitted the following substitute to Mr. Cunningham's motion: That it be received and lie over two days, as provided under the rules, and one hundred copies be printed.

Mr. Townsend offered the following substitute for the whole question:

*Resolved*, That the report of the committee on Ordinances and Schedule be received, and one hundred copies be printed, under the rules.

Which was adopted.

The Postmaster of the Convention submitted the following report:

Mr. President: Under the resolution this day adopted, instructing me to make arrangements with the Postmaster of this city for the prepayment of mailable matter to be sent by members of the Convention, I have the honor to report that I had an interview with the Postmaster of this city on the subject, and he informs me that he cannot make any arrangements for the prepayment of postage.

W. Brown,
*Postmaster Constitutional Convention.*

The report of the Postmaster was received, and he relieved from any further action in relation to the matter.

The President announced the appointment of Mr. H. C. Powers as Reading Clerk of the Convention, under the rules.

The President announced the following Special Committee on Franchise:

Mr. Mygatt, of Warren; Mr. Castello, of Adams; Mr. Morgan, of Yazoo; Mr. Hauser, of Kemper; and Mr. Stringer, of Warren.

### REPORT OF SPECIAL COMMITTEE.

Mr. President: Your committee, appointed to investigate the validity of the charter of the Jackson Gas Light Company, have the honor, most respectfully, to report that they have made a partial investigation of the subject, but having received a communication from the President of said Company, stating that the meters were removed and the gas cut off from the Capitol during his absence, and without his knowledge or consent, and that had he been at home such action would not have been taken; that he regrets that the Superintendent of the Company thought it necessary for the best interest of the Company to take such action, and that he did so from the fact of his having been wrongly advised. And the meters having been replaced, and satisfactory arrangements made for the future lighting of the Capitol during the sessions of this Convention with gas, your committee are of the opinion that any further investigation on the subject by them is unnecessary.

Very respectfully,
W. H. GIBBS,
*Chairman.*

Mr. Orr, of Harrison, moved to have the letter of the President of the Gas Company spread upon the Journal.

Mr. McKee moved to strike out all relating to spreading upon the Journal the letter of the President of the Gas Company;

Which was lost.

Motion to adjourn lost.

Leave of absence was granted Messrs. Hemmingway and Compton for three days.

Convention adjourned until to-morrow morning at 10 o'clock.

T. P. SEARS,
*Secretary.*

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## ELEVENTH DAY.

JACKSON, MISS., Saturday, January 18th, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Quorum present.

Mr. Woodmansee offered the following:

WHEREAS, The President of the United States suspended Hon. E. M. Stanton from the office of Secretary of War without any cause or provocation other than being in favor of carrying out the laws of Congress; therefore, be it

*Resolved,* That this Convention return a vote of thanks to the Senate of the United States for their righteous act in replacing him in his proper position as Secretary of War.

Which was adopted.

Mr. Woodmansee offered an ordinance declaring all debts contracted prior to, and during the rebellion, for slaves, null and void, except in cases where the unliquidated obligation was executed for the purchase of slaves and any of said slaves died anterior to the issuing by the President of the United States of his Emancipation Proclamation, then, in that event, this ordinance is not to be construed as to invalidate an amount equivalent to the appraised value of the deceased slave or slaves.

Referred to the committee on Legislative Departmant.

Mr. Woodmansee offered an ordinance in reference to sales and investments by guardians, executors, etc.

Referred to committee on Legislative Department.

Mr. Longmire, of Newton, offered the following:

WHEREAS, a large number of persons are now occupying public lands in this State, and have occupied the lands for many years, rearing large families thereon, without paying taxes upon the land they occupied; therefore, be it

*Resolved*, That the said occupants be required to pay for school purposes the same tax as lawful owners.

Referred to Special Committee on Lands.

Mr. Chappell offered the following:

*Resolved*, That one hundred and fifty copies of the Journal of each day be printed in book form, for the use of the members of this Convention.

Referred to committee on Printing.

Mr. Stricklin offered an ordinance in reference to the establishment of Courts of Chancery and Equity, and districting the State for same.

Referred to committee on the Judiciary.

Mr. Leas, of Warren, offered the following:

WHEREAS, Many complaints have been made, and much opposition manifested, to the collection of the Cotton Tax, amounting to ten dollars per bale (fully one-fourth of the entire crop of 1867); and

*Whereas*, Great efforts have been made, both in and out of Congress, to repeal said tax, and make it apply to said crop; and

*Whereas*, there is great destitution in many portions of our State, both among the whites and blacks; therefore, be it

*Resolved*, That a special committee of three be appointed by the Chair to memorialize Congress, that at least one-half of said tax collected, and being collected, in this State, on cotton produced in said year of 1867, be expended through the Freedmen's Bureau, to "feed the hungry and clothe the naked," without regard to color.

Which was adopted.

By Mr. McKee:

*Resolved*, That Rule 52 be so amended, as to read as follows: The Convention shall meet every day, at 10 o'clock (Sundays excepted), unless otherwise ordered.

Which was lost.

Mr. Stringer, of Warren, offered a resolution, instructing the Legislature to pass laws requiring planters to take out license who may sell to employees, and others;

Which was referred to the committee on Legislative Department.

Mr. Stringer, of Warren, offered an ordinance expressing the sense of the people in reference to payment of obligations incurred in aid of the rebellion, and payment for slaves;

Which was referred to the committee on General Provisions.

Mr. Gibbs, of Wilkinson, offered the following:

*Resolved*, That an ordinance be reported from the proper committee, requiring the Sheriffs of the several counties in this State to pay over at once to the State Treasurer all moneys now in their possession belonging to the State.

Which was referred to the Finance Committee.

Mr. Richardson offered an ordinance in reference to the registered voters, and allowing same to vote, wherever they may be, upon presentation of certificate of registration;

Which was referred to the committee on Legislative Department.

Mr. Richardson offered a resolution in reference to old liabilities and contracts, and staying collection of same to the year 1900;

Which was referred to the committee on Legislative Department.

Mr. Alcorn offered a resolution in reference to the filling of our pulpits, professorships in colleges, seminaries, and all other educational institutions or disseminators of instruction, and recommending that they be filled with good and true men, loyal to the government, and lovers of the same;

Which was referred to the Committee on Education.

Mr. Clark offered a resolution in reference to the School Fund of Mississippi, that it shall never be vested in any stock of county, town, city, or railroad companies, and directing the Legislature to so legislate as to authorize the sale of such stocks, bonds or lands, and investing the proceeds of the same in bonds of the United States;

Which was referred to the committee on Education.

Mr. Clarke, of Yazoo, offered the following:

WHEREAS, General Orders Head Quarters Bureau Refugees, Freedmen, and Abandoned Lands, say that all freedmen who can, but will not earn a livelihood, when employment can be procured, will lay themselves liable to arrest and punishment as vagrants, thereby making a discrimination against a certain portion of the citizens of Mississippi; therefore, be it

*Resolved*, That in the opinion of the Convention, the said order is in violation of the civil rights bill and of the reconstruction acts of Congress, and that the Commanding General be requested to modify his order that it may apply equally to all citizens.

Which was adopted.

Mr. Castello, of Adams, chairman of the Special Committee to whom was referred a resolution that an ordinance be inserted in the Constitution of the State of Mississippi prohibiting duelling, submitted a report, which was received and made the special order of the day for Wednesday, and one hundred copies ordered to be printed.

Unfinished business being called, the resolution of Mr. Elliott, of Monroe, introduced yesterday, in regard to abolishing all debts, contracts, judgments, etc., contracted prior to the 28th day of April, 1865, came up, and was referred to committee on Legislative Department.

Mr. Orr's resolution to spread the letter of the President of the Gas Company, on the Journal, introduced by him yesterday, came up and was adopted.

The letter is as follows:

JACKSON, MISS., January 16, 1868.

*Mr. W. H. Gibbs, Chairman of Committee:*

DEAR SIR—In reply to yours, just received, I will say, that on my being assured by yourself and Gen. Alderson, that the Convention would make appropriation for the Gas Light Company, that our Company would supply them. I remarked, that I regretted that our Superintendent had thought it best for our interest to cut off the gas. I thought he had been wrongly advised, and had I been at home, it would not have been done; that I should have had the meter and the connections put in use forthwith, and they would have had no further trouble in having sufficient light for the future.

Very respectfully,
THOS. E. HELM,
*President.*

Mr. Railsback, of Bolivar, offered the following:

*Resolved*, That from and after this date, all resolutions shall be sent to the Secretary's desk and read by him or his assistants.

Which was adopted.

The President announced the following committees:

### TO PREPARE A LIST OF NAMES OF PERSONS IN THIS STATE WHO DESIRE THEIR POLITICAL DISABILITIES REMOVED AND WHO ARE DESERVING OF THE SAME.

Messrs. Warren, of the 3rd district; Ozanne, of the 1st district; Elliott John, of the 2d district; Barry, of the 4th; Yeoman, of the 5th district.

### COMMITTEE ON COUNTY BOUNDARIES.

Messrs. Alcorn, Rainey, Holland, Lawson, Jones.

### CONFERENCE COMMITTEE TO CONFER WITH GEN. ALVIN C. GILLEM, COMMANDING 4TH MILITARY DISTRICT.

Messrs. Orr, Williams, McKee.

Mr. Clarke, of Yazoo, offered the following:

*Resolved*, That the Convention proceed to the election of a Chaplain, *viva voce.*

Which was adopted.

Mr. Orr nominated Rev. Lester Williams, jr., asChaplain.

And by a resolution of the Convention, the Rev. Lester William's jr., was declared to be the Chaplain.

Mr. Alderson, of Jefferson, introduced the following preamble and resolution:

WHEREAS, This Convention has been assembled under the reconstruction Acts of Congress, for the purpose of framing a Constitution and civil government according to the provisions of said Acts, and suited to the condition of the country; and

*Whereas*, It is our sworn duty fully to obey the laws under which we act, and faithfully to discharge the obligations resting upon us; therefore, be it

*Resolved*, That the President of this Convention entertain no motion for a final adjournment, until the purposes for which we were assembled, have been fully executed in accordance with said reconstruction Acts of Congress.

Which was adopted.

Mr. Ozanne, of Panola, introduced a resolution in reference to the rights of citizens, to free exercise of religious opinions, and that no religious test shall be a qualification for office;

Referred to the committee on Bill of Rights.

Mr. Stovall introduced a preamble and resolution in reference to raising a fund sufficient to defray the expenses of this Convention, and classifying the business or occupation, the kinds of property, real, and personal, etc., that shall be so subject to taxation;

Which was referred to the committee on Finance.

Mr. Orr, of Harrison, introduced an ordinance providing for the levy of a tax on certain property within the State of Mississippi, and the proper collection of the same, etc.

Mr. Castello, of Adams, moved to refer the ordinance to the Finance Committee.

Mr. Gibbs moved to amend by substituting the words to the committee on General Provisions, in place of the Finance Committee;

Which was laid on the table.

Mr. Morgan moved that the whole subject be laid on the table.

The yeas and nays being called for, it was lost, by the following vote:

YEAS—Messrs. Fitzhugh, Gaither, Gibbs, Merryman, Morgan, Nelms, Phillips, Townsend, Walker—9.

NAYS—Messrs. Alderson, Alcorn, Ballard, Barry, Bonney, Bridges, Brinson, Caldwell, Chappell, Castello, Clarke, Combash, Cunningham, Dalton, Dowd, Elliot John, Fawn, Field, Goss, Gray, Handy, Hauser, Holland, Howe, Hutto, Jacobs, Johnson S., Johnson A., Leas, Longmire, Mayson, Mask, Musgrove, Miles, Moore, Myers, Mygatt, McKee, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Powell, Quinn, Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Vaughan, Warren, Weir, Williams, Woodmansee, Yeoman—62.

By Mr. Fitzhugh:

*Resolved*, That the original motion and amendment be postponed till Tuesday next, at 12 o'clock M.

Which was laid on the table.

Question recurring on Mr. Castello's motion, it was referred to the Finance committee.

Convention adjourned till Monday morning, at 10 o'clock.

T. P. Sears,
*Secretary.*

## TWELFTH DAY.

Jackson, Miss., Monday, January 20th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following members answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Beam, Bonney, Bridges, Brinson, Castello, Chapman, Chappell, Clarke, Combash, Cunningham, Dalton, Dowd, Elliott James, Fawn, Fitzhugh, Gibbs, Goss, Hauser, Herbert, Howe, Hutto, Jacobs, Jones, Kerr, Lawson, Mayson, Mask, Musgrove, Miles, Merryman, Moore, Morgan, Mygatt, McCutchen, McKnight, Neilson, Nelms, Nesbitt, Newsom, Orr, Ozanne, Parson of Adams, Parsons of Hinds, Phillips, Powell, Railsback, Rainey, Richardson, Stewart, Stiles, Stovall, Stringer, Stites, Toy, Vaughan, Warren, Woodmansee, and Yeoman—60.

Quorum present.

Journal of Saturday read and approved.

Mr. Orr, of Harrison, moved that the Journal be amended so that the ordinance introduced by him on Saturday, be spread upon it;

Which was lost.

And the Journal was approved as written.

Mr. Orr, of Harrison, asked permission to withdraw an ordinance presented by him on Saturday, providing for the levy of tax on certain property within the State of Mississippi, and the proper collection of the same, etc.;

Which was granted.

Mr. Castello, of Adams, moved that one hundred and fifty copies of the Journal of each days' proceedings be printed in book form for the use of the members of this Convention;

Which was lost.

Mr. Castello moved to suspend Rule No. 48;

Which was lost.

Mr. Castello, of Adams, offered the following in regard to elections and qualifications of voters, officers and others:

SECTION 1. All elections by the people shall be by ballot. No election shall continue longer than —— day.

SEC. 2. General elections shall be held biennially, on the Tuesday next after the first Monday in November. The first election under this Constitution shall be held on the —— day of ———, in the year one thousand eight hundred and sixty-——. And the officers elected at that election shall hold their respective offices until the first Tuesday of November, A. D. eighteen hundred and ————, and until their successors be duly elected and qualified. Should Congress direct the appointment of Electors of President and Vice-President of the United States on any other day than that now established, the General Assembly may change the time of holding general elections so as to provide for holding them on the day which may be designated by Congress for the purpose, and on the corresponding day, ——— years thereafter. No special election—State, county or municipal—shall be appointed to be held on a Monday.

SEC. 3. At any election held by the people under this Constitution, or in pursuance of any law of this State, or under any ordinance, or by law of any municipal corporation, no person shall be deemed a qualified voter who has ever been in armed hostility to the United States, or to the authorities thereof; or has ever given aid or comfort, countenance or support, to persons engaged in any such hostility, or has ever, in any manner, adhered to the enemies thereof, foreign or domestic, of the United States, either by contributing to them, or by unlawfully sending within their lines, money, goods, letters or information, or has ever disloyally held communication with such enemies, or has ever advised or aided any person to enter the service of such enemies, or has ever, by open act or word, declared his adherance to the cause of such enemies, or his desire for their triumph over the arms of the United States; or has ever, except under overpowering compulsion, submitted to the authority or been in the service of the so-called Confederate States of America; or has ever left this State and gone within the lines of the armies of the so-called Confederate States of America, with the purpose of adhering to said States, or the armies thereof; or has ever been a member of, or connected with any order, society or organization having for its object to aid or encourage rebellion against the United States, or to promote the dissolution of the Union thereof, or to oppose by any unlawful means the laws or authority thereof, or the laws, ordinances or authority of this State; or has ever been engaged in guerilla warfare against the loyal inhabitants of the United States, or in that description of marauding commonly known as bushwhacking, or has ever been engaged in persecuting, maiming or killing loyal men, or has ever harbored, aided or countenanced any person so engaged; or has ever left this State for the purpose of avoiding enrollment or draft into the military service of the United States; or has ever, in order to escape the performance of duty in the militia this State, enrolled himself, or caused himself to be enrolled, as a disloyal Southern sympathizer; or having ever voted at any election held by the people of this State or in any other of the United States, or held office in this State or any other of the United States, shall thereafter have sought or received, under claim of allegiance, the protection of any foreign government through any consul or other officer thereof, in order to secure exemption from military duty in the army of the United States; nor shall any such person be capable of holding in this State any office of honor, trust or profit, under its authority, or of being an officer, councilman or other manager of any public corporation now existing, or hereafter established by its authority; or of acting as a professor or teacher in any educational institution or common school, or any other school which is sustained, in whole or in part, by funds provided by law.

Sec. 4. The General Assembly shall immediately provide by law for a complete and uniform registration, by election districts, of the names of qualified voters in this State, which registration shall be evidence of the qualification of all registered voters to vote at any election thereafter held; but no person shall be excluded from voting at any election on account of not being registered until the General Assembly shall have passed an act of registration, and the same shall be carried into effect; after which, no person shall vote unless his name shall have been registered at least ten days before the day of the election, and the fact of such registration shall be not otherwise shown than by the register, or an authentic copy thereof certified to the judges of election by the registering officer or officers, or either, or other constituted authority; a new registration shall be made within sixty days next preceding the tenth day prior to every general election; and after it shall have been made, no person shall establish his right to vote by the fact of his name appearing on any previous register.

Sec. 5. Until such a system of registration shall have been ertablished, every person shall, at the time of offering to vote, and before his vote shall be received, take an oath in the terms presscribed in the next succeeding section. After such a system shall have been established, the said oath shall be taken and subscribed by the voter at each time of his registration. Any person declining to take said oath, shall not be allowed to vote or to be registered as a qualified voter. The taking of this oath shall not be deemed conclusive evidence of the right of the person to vote or to be registered as a voter; but such right may, notwithstanding, be disproved; and after a system of registration shall have been established, all evidence for and against the right of any person as a qualified voter shall be heard and passed upon by the registering officer or officers, and not by the judges of election.

Sec. 6. The oath to be taken, as aforesaid, shall be known as the Oath of Loyalty, and shall be in the following terms:

"I, A B, do solemnly swear, that I am well acquainted with the terms of the 3d section of the —— article of the Constitution of the State of Mississippi, adopted in the year eighteen hundred and sixty, and have carefully considered the same; that I have never directly or indirectly done any of the acts in said section specified; that I have always been truly and loyally on the side of the United States, against all enemies thereof, foreign and domestic; that I will always bear true faith and unqualified allegiance to the United States, and will support the Constitution and laws thereof as the supreme law of the land, any law or ordinance of any State to the contrary notwithstanding; that I will always, to the best of my ability, protect and defend the Union of the United States, and not allow the same to be broken up and dissolved, or the Government thereof to be destroyed or overthrown under any circumstances, if in my power to prevent it; that I will always discountenance and oppose all combinations, plans and efforts having for their objects the dissolution of said Uuion, or the overthrow of said Government; that I will always, in word and deed, demean myself as a loyal and faithful citizen of the United States; that I will support the said Constitution of the State of Mississippi; that I accept the civil and political equality of all men, and agree not to attempt to deprive any person or persons on account of race or color, or previous condition, of any political, religious or civil rights, privileges or immunities enjoyed by any other class of men; and that I make this oath without any mental reservation or evasion, and hold it to be binding on me."

SEC. 7. After the adoption of this Constitution, the Governor, the Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Register of Lands, Attorney General, State Superintendent of Public Schools, Judges of the Sapreme Court of Mississippi, and all the members and officers of both houses of the General Assemby, and Judges of all Courts, all County, Township, and Municipal officers, shall take and subscribe said oath; after such adoption every person in this State, holding any other office of honor, trust, or profit, under the Constitution or laws thereof, or under any municipal corporations, or any of the other offices, positions, or trusts, mentioned in the 6th section of this article, shall likewise take and subscribe the same. If any officer or person referred to in this section, shall fail to comply with the requirements thereof, his office, position, or trust, shall *ipso facto* become vacant, and the vacancy shall be filled according to the law governing the case.

SEC. 8. No vote in any election, by the people, shall be cast up for, nor shall any certificate of election be granted to, any person who shall not within fifteen days next preceding such election, have taken, subscribed, and filed said oath.

SEC. 9. No person shall assume the duties of any State, county, city, town, or other office, to which he may be appointed, otherwise than by a vote of the people, unless such person shall have first taken, subscribed, and filed said oath.

Sec. 10. Oaths taken in pursuance of 6th sections of this article, shall be filed as follows: By a State civil officer, or a candidate for a State civil office, and by members and officers of the General Assembly, in the office of the Secretary of State; by a military officer, in the office of the Adjutant General; by a candidate for either house of the General Assembly, in the Clerks office of the County Court of the county of his residence, or in that of the county where the vote of the District is required by law to be cast up, and the certificate of election granted by a city or town officer, in the office where the archives of such city or town are kept, and in all other cases in the office of the Clerk of the County Court, of the county of the person's residence.

Sec. 11. Every court in which any person shall be summoned to serve as a grand, or petit juror, shall require him, before he is sworn as a juror, to take said oath in open court, and no person refusing to take the same shall serve as a juror.

Sec. 12. If any person shall declare that he has consciencious scruples against taking an oath, or swearing, in any form, the said oath may be changed into a solemn affirmation, and be made by him in that form.

Sec. 13. In addition to the oath of loyalty aforesaid, every person who may be elected, or appointed, to any office, shall, before entering upon its duties, take and subscribe an oath or affirmation, that he will, to the best of his ability, diligently and faithfully, without partiality or prejudice, discharge the duties of such office, according to the Constitution and laws of this State.

Sec. 14. Whoever shall hold or exercise any of the offices, positions, trusts, professions, or functions specified in the preceding sections, without having taken, subscribed, and filed said oath of loyalty, shall, on conviction thereof, be punished by fine, not less than five hundred dollars, or by imprisonment in the county jail not less than six months, or by both such fine and imprisonment; and whoever shall take said oath falsely, by swearing, or by affirmation, shall, on conviction thereof, be adjudged guilty of perjury, and be punished by imprisonment in the penitentiary, not less than two years.

Sec. 15. Whoever shall be convicted of having, directly or indirectly, given or offered any bribe to procure his election or appointment to any office, shall be disqualified for any office of honor, trust, or profit under this State; and whoever shall give or offer any bribe to procure the election or appointment of any other person to any office, shall, on conviction thereof, be disqualified for a voter, or any office of honor, trust, or profit under this State, for ten years after such conviction.

Sec. 16. No officer, soldier, seaman, or marine, in the regular army or navy of the United States, shall be entitled to vote at any election in this State.

Sec. 17. No person who shall make or become, directly or indirectly, interested in any bet or wager depending upon the result of any election, shall vote at such election.

SEC. 18. Every male citizen of the United States, without regard to race or color, over the age of twenty-one years, not disqualified by or under any of the provisions of this Constitution, and who shall have complied with its requirements, and have resided in this State one year next preceding any election, or next preceding his registration as a voter, and during the last thirty days of that period shall have resided in the county, city, or town where he offers to vote or seeks registration as a voter, shall be entitled to vote at such election for all officers, State, county, or municipal, made elective by the people, but he shall not vote elsewhere than in the county or district of which he is at the time a resident, or after a system of registration of votes shall have been established in the election district where his name is registered.

SEC. 19. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas, nor while a student in any seminary of learning, nor while kept at any poor-house, or other asylum, nor when confined in any public prison.

SEC. 20. Any person who may, at any time, have done any act which, under the 3d section of this article, has disqualified or may disqualify him as therein expressed; and who shall have, after the commission of such act, voluntarily entered the military service of the United States, and been honorably discharged therefrom, and after such discharge have demeaned himself in all respects as a loyal and faithful citizen, may be relieved from such disqualification. In order thereto he shall, in person, present his petition to the Circuit Court of the county of his residence, stating specifically the act or acts which produced such disqualification, and the grounds upon which he prays to be relieved therefrom; and the court shall set a day for hearing the cause, not less than five days after the presentation of the petition, when, if it appear by competent proof, that the petitioner is justly entitled to the relief prayed for, the court shall make a decree removing such disqualification; but any act done by such person after the date of such decree, which would impose a disqualification under said 3d section of this article, shall make such decree null and void, and remit him to his previous condition of disqualification; and no such decree shall be granted a second time in his favor.

SEC. 21. After any person shall have been so relieved by the decree of a Circuit Court, he shall, in order to vote or hold any of the offices, positions, trusts, or exercise any of the privileges or functions hereinbefore specified, take the oath of loyalty aforesrid, except the part thereof which refers to the —— section of this article, and to the past acts or loyalty of the person taking the oath.

SEC. 22. The General Assembly shall provide for the exclusion from every office of honor, trust, and profit, within this State, and from the right of suffrage of any person convicted of bribery, prejury, or other infamous crimes.

Which, on motion, was referred to the committee on Franchise.

Mr. Jacobs, of Adams, offered the following resolution:

*Resolved*, That no person in this State shall ever be imprisoned for debt or otherwise, except as a punishment for crime.

Referred to the committee on Judiciary.

Mr. Stovall, offered the following:

WHEREAS, It has been represented to this Convention that great scarcity of provisions and pecuniary distress exists in many portions of the State, that an immense amount of property is being sold at great sacrifice, and by such sales the creditors are being but little benefitted and the unfortunate debtors being destroyed; therefore, be it

*Resolved*, That the President of this Convention appoint a committee of five, one from each Congressional District, who shall proceed to Vicksburg, and confer with Gen. Gillem, and urge him to issue a general order to the Sheriffs of Mississippi, forbidding them to sell any more property until further orders.

Mr. Alderson moved to lay on the table;

Which was lost.

Mr. Castello moved to strike out all after the word "resolved;"

Which was lost.

Mr. Castello moved to committ to committee on Legislative Department;

Which was laid over for the time being.

The special order of the day was the consideration of the ordinance as submitted by the Finance Committee, No. 2, as printed.

On motion of Mr. Orr, it was laid over until the 29th inst.

Mr. Clarke, of Yazoo, offered the following:

WHEREAS, The laws of Congress creating the Bureau of Refugees, Freedmen, and Abandonded Lands, provides that said Bureau shall expire on the 1st day of July, 1868; and

*Whereas*, The freedmen of the non-reconstructed States, are yet subject to much injustice and persecution, at the hands of former rebels and slaveholders; and

*Whereas*, The freedmen in those States, with but few exceptions, fail to receive justice, either under State laws in State Courts, or under the Civil Rights Bill in the tribunals, designated in that bill; therefore, be it

*Resolved*, That this Convention unite with the Conventions of Alabama, Louisiana, and Virginia, in their petitions to Congress for the continuance of the Bureau of Freedmen, Refugees, and Abandoned Lands, till such time as the work of reconstruction shall have been completed and State governments in full operation, as now contemplated by law; therefore, be it further

*Resolved*, That this Convention in urging upon Congress the necessity of extendiag the Bureau, would also urge the importance of inquiring into the character and sympathy of many of the officers and agents in this State, and the dismissal of such as are found to be incompetent and unfit to be trusted with the grave and responsible duties devolving upon them, of whom, in the judgment of this Convention, there are many.

*Resolved*, That a copy of these resolutions be forwarded by the President of this Convention to the President of the Senate and Speaker of the House of Representatives of the United States.

Which was adopted.

Mr. Orr, of Harrison, introduced the following:

*Resolved*, That when a report of a standing committee is taken up it shall be considered section by section, *seriatum*, and that no section shall be finally adopted until it has undergone three readings.

Which was adopted.

Mr. Orr offered the following:

*Resolved*, That the President of this Convention be and is hereby authorized and empowered to appoint a clerk for the committee on Printing.

Which was adopted;

Mr. Chappell offered an amendment to rule No. 20, so as to read, after the word "decision," "and when referred to a committee, no other motion or resolution embracing the same matter shall be entertained till the same be disposed of."

Mr. Stricklin moved to lay on the table;

Which was lost.

The question recurring on the original motion, it was lost.

Mr. Howe called up the resolution of Mr. Stovall.

The question being on the motion of Mr. Castillo, to refer to the committee on Legislative Department, it was lost.

Mr. Clarke moved to make it the special order of the day for Wednesday next.

Mr. Castello moved to adjourn;

Which was lost.

Mr. Gibbs moved to lay on the table;

Which was lost.

Previous question being called and ordered, the motion of Mr. Clarke was lost.

Mr. Gibbs moved to adjourn;

Which was lost.

On the original resolution of Mr. Stovall, the yeas and nays were called, and it was carried, by the following vote:

YEAS—Messrs. Alcorn, Ballard, Beam, Chapman, Chappell, Cunningham, Dalton, Dowd, Elliott John, Elliott James, Fawn, Field, Fitzhugh, Gaither, Gibbs, Goss, Gray, Howe, Hutto, Jamison, Jones, Kerr, Mayson, Mask, Musgrove, Merryman, Morgan, Mygatt, McCutchen, McKnight, Neilson, Nelms, Ozanne, Parsons of Hinds, Phillips, Powell, Quinn, Railsback, Rainey, Richardson, Smith, Stites, Stovall, Stricklin, Townsend, Vaughan, Walker, Warren, Williams—49.

NAYS—Messrs. Alderson, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Clarke, Combash, Hauser, Herbert, Jacobs, Johnson A., Lawson, Leonard, Miles, Moore, Newsom, Orr, Parsons of Adams, Peyton of Hinds, Stewart, Stringer, Stiles, Toy, Weir, Woodmansee, Yeoman—28.

Mr. Castello moved to adjourn;

Which was lost.

Mr. Alcorn moved a reconsideration of the vote.

Mr. Railsback moved to lay on the table;

Which was lost.

Mr. Gibbs moved to adjourn;

Which was lost.

The President announced that the hour had arrived for the adjournment of the Convention.

The Convention then adjourned until 10 o'clock to-morrow morning.

T. P. Sears,
*Secretary.*

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## THIRTEENTH DAY.

Jackson, Miss., Tuesday, Jan. 21st, 1868.

The Convention met pursuant to adjournment.

President Eggleston in the chair.

Prayer by the chaplain.

Upon the roll being called, the following delegates answered to their names:

Messrs. Alderson, Alcorn, Ballard, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Compton, Cunningham, Dalton, Dowd, Drane, Elliott John, Elliott James, Fawn, Field, Fitzhugh, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Holland, Howe, Hutto, Johnson A., Jones, Kerr, Lawson, Leonard, Mayson, Mask, Musgrove, Montgomery, Miles, Merryman, Moore, Morgan, Myers, Mygatt, McCutchen, McKnight, Neilson, Nelms, Newsom, Ozanne, Parsons of Adams, Parsons of Hinds, Peyton of Hinds, Phillips, Powell, Railsback, Rainey, Richardson, Smith, Stewart, Stiles, Stovall, Stricklin, Stringer, Stites, Townsend, Toy, Vaughan, Walker, Watson, Warren, Woodmansee, and Yeoman—76.

Journal of yesterday read and approved.

Mr. Railsback offered the following:

*Resolved,* That the Rules of this Convention be suspended, and reports from standing committees be received.

Which was adopted.

Mr. Castello, chairman of the committee on General Provisions, submitted the following report:

Mr. President: The committee to whom was referred a resolution that the State of Mississippi shall never pay or assume any debts or obligation contracted or incurred on account of the liberation of slaves, and on account of the rebellion, beg leave to report the following articles:

ARTICLE 1. The General Assembly of the State of Mississippi, shall never assume or have any power to assume or pay any debts or obligations contracted or incurred in aid of the rebellion.

ARTICLE 2. The General Assembly of the State of Mississippi, shall have no power to make compensation for emancipated slaves.

ARTICLE 3. The General Assembly of the State of Mississippi, shall have no power to claim from the United States, compensation for slaves emancipated or liberated in any manner since the year 1861.

ARTICLE 4. The above articles shall never be so altered or amended as to destroy the interest and purposes therein contained.

Respectfully submitted,

E. J. CASTELLO,
PERES BONNEY,
D. STITES,
J. R. PARSONS,
GEORGE STOVALL,
*Committee.*

Mr. Musgrove moved to print one hundred copies.

Mr. Hauser moved to amend, by substituting two hundred for one hundred;

Which was lost;

Mr. Musgrove's motion to print one hundred copies, was adopted.

Mr. Parsons, of Adams, chairman of committee on Finance, submitted the following report:

### AN ORDINANCE IMPOSING TAXES TO DEFRAY THE EXPENSES OF THIS CONVENTION, AND FOR OTHER PURPOSES.

SECTION 1. *Be it ordained by the people of the State of Mississippi in Convention assembled*, That a special tax of two dollars and fifty cents per thousand be, and the same is hereby levied, upon the gross receipt of sales, for the year 1867 upon each and every dry goods, grocery, drug, or provision store, or commission house, where goods, wares, and merchandise are sold, not herein otherwise provided for.

SEC. 2. *Be it further ordained*, That a special tax of fifty dollars be, and the same is hereby levied upon each and every auction store, upon each brewery, upon each bar-room, drinking saloon, or other places where spirituous, vinous, malt, or brewed liquors are sold by permission of law, and upon each wholesale liquor or rectifying house.

SEC. 3. *Be it further ordained*, That a special tax of twenty-five dollars be, and the same is hereby levied upon each and every livery stable, where horses and mules are kept exclusively for hire; upon each saw-mill, where lumber is sawed for sale; upon each dealer in coal, coal company, or keeper of a coal-yard; upon each carriage depository, whece carriages are kept for sale or hire; upon each nine or ten-pin alley, exclusive of tax upon bar-rooms; upon each jewelry store, and upon each wharfboat.

SEC. 4. *Be it further ordained*, That a special tax of ten dollars be, and the same is hereby levied, upon each and every bounty agent, or persons employed to procure payment of bounties, due the United States soldiers; upon each public inn, tavern, eating-house, or restaurant, exclusive of the tax on bar-rooms, upon each gunsmith, and upon each meat stall, or place where fresh meats are kept for sale.

SEC. 5. *Be it further ordained*, That a special tax of one hundred dollars be, and the same is hereby levied upon each and every distillery, where grain or fruits are distilled into spirituous liquors.

SEC. 6. *Be it further ordained*, That a special tax of one hundred dollars be, and the same is hereby levied upon each and every bank, banking establishment, broker, or dealer in money, exchange, bonds, or notes, whether such person or partnership have a house established for business, or do the business in the streets, or highways, shall be considered as brokers, and liable for the tax as provided for in this section.

SEC. 7. *Be it further ordained*, That a special tax of one hundred dollars be, and the same is hereby levied upon each and every gas company, or other establishment, where gas is manufactured for the public use.

SEB. 8. *Be it further ordained*, That a special tax of fifty dollars, be and the same is hereby levied upon each and every daily newspaper; thirty dollars upon each tri-weekly newspaper, and twenty dollars upon each weekly newspaper published in the State; *Provided*, That when daily, tri-weekly, and weekly papers, or tri-weekly and weekly, are published at the same office, then and in that case, fifty dollars for the daily paper, or thirty dollars for the tri-weekly, as the case may be, shall only be levied and collected.

SEC. 9. *Be it further ordained*, That a special tax of twenty-five dollars, be and the same is hereby levied upon each job printing office, when separate from newspaper, or publishing establishment.

SEC. 10. *Be it further ordained*, That a special tax of twenty-five dollars be, and the same is hereby levied upon each office, or agency, of each and every express company, and that it may be understood, what is intended by each office, or agency, it is hereby declared that at any point or place where express matter is sent, or received, is declared to be an office or agency.

SEC. 11. *Be it further ordained*, That a special tax of ten dollars be, and and the same is hereby levied upon each and every telegraph office, where dispatches are received and sent;

*Provided*, That this section shall not apply to offices used exclusively by railroads, or banking establishments.

SEC. 12. *Be it further ordained*, That a special tax of two hundred dollars be, and the same is hereby levied upon the New Orleans, Jackson, and Great Northern Railroad, the Vicksburg and Meridian Railroad, to be collected at Jackson, Mississippi; and upon the Mississippi Central Railroad, to be collected at Canton, Mississippi; and upon the Memphis and Charleston Railroad, to be collected at Corinth, Mississippi; and upon the Mobile and Ohio Railroad, to be collected at Columbus, Mississippi; that a special tax of fifty dollars is hereby levied upon the Meridian and Selma Railroad, to be collected at Meridian, Mississippi; that a special tax of twenty-five dollars is hereby levied upon the Bayou Sara and Woodville Railroad, to be collected at Woodville, Mississippi; that a special tax of ten dollars is hereby levied upon the Grand Gulf and Port Gibson Railroad, to be collected at Port Gibson, Mississippi.

SEC. 13. *Be it further ordained*, That a special tax of the dollars be, and the same is hereby levied, upon each and every steamboat agency for each boat represented by the agent or agents; *Provided*, That this section shall not apply to transient boats.

SEC. 14. *Be it further ordained*, That a special tax of twenty-five dollars be, and the same is hereby levied upon each and every grist mill where the value of toll, sold for the year 1867, exceeded one thousand dollars, and upon each cotton gin, where more than fifty bales were ginned for the public during the same time.

SEC. 15. *Be it further ordained*, That a special tax of one hundred dollars be, and the same is hereby levied upon each and every steam ferry plying to or from any point upon the Mississippi river, in this State, a tax of twenty-five dollars be, and the same is hereby levied upon all other ferries in the State, and a tax of twenty-five dollars be, and the same is hereby levied upon each toll-bridge and turnpike in the State.

SEC. 16. *Be it further ordained*, That a special tax of fifty cents per bale be, and the same is hereby levied upon each and every bale of cotton now in store at any point in this State, or that may be received by any forwarding or commission merchant, or other person, during the time of the collection of this tax.

SEC. 17. *Be it further ordained*, That this Convention, upon the recommendation of delegates from the several counties, shall elect or appoint the necessary number of collectors, not to exceed one to each county, who shall, before entering upon the duties of their office, take and subscribe the oath of office provided for officers of the United States, by Act of Congress, dated July 2, 1862; which oath shall be deposited with the Treasurer of this Convention; *Provided*, That said Collectors shall receive, in full compensation, five per cent. of all moneys collected by them under this ordinance.

SEC. 18. *Be it further ordained*, That it shall be the duty of the collectors of the several counties to collect the tax herein provided, after giving five days' previous notice thereof by posting conspicuously over the county, a schedule of the amount of tax levied by this ordinance, and the day upon which he will proceed to collect the same; and in default of payment of the tax assessed by this ordinance, the Tax Collector shall have the power to levy upon, and sell, to the highest bidder, a sufficient amount of personal property, belonging to the defaulting party, to pay the amount of tax, with cost of levy and sale; *Provided*, That said Collector shall, in such cases, give three days' previous notice of the time and place of sale, and the property to be sold, by posting advertisements in five public places in the county.

SEC. 19. *Be it further ordained*, That any person who shall pay any tax under this ordinance, shall be entitled to ask and receive from the Collector to whom he may have paid the same, a receipt, stating the amount so paid; and the said receipt shall be hereafter received by any Sheriff or other Tax Collector, when presented to him for all taxes now due the State, or that may hereafter become due; and *provided*, that said receipt shall be transferable and receivable from any person who may hold the same.

SEC. 20. *Be it further ordained*, That each Tax Collector shall, at the end of every five days (beginning ten days after the acceptance of his appointment), transmit to the Treasurer of this Convention the amount of moneys so collected, with a statement of the names of persons from whom collected, and what amount each one has paid; and when the tax is all collected, said Collectors shall forward to the said Treasurer a final statement of the money so collected, together with an affidavit, that said statement contains a true and correct exhibit of all moneys collected by him, under the provisions of this ordinance; *Provided*, That the money herein directed to be sent to the Treasurer, shall, in all cases, be forwarded through the nearest express office, and that each Collector shall be reimbursed for his actual expenses incurred in transmitting said funds to the Treasurer; *Provided further*, That where there is no express office in a county, the Collector shall be required to make the return to the Treasurer as herein provided, once every ten, instead of five days.

SEC. 21. *Be it further ordained*, That the Tax Collector shall have power to administer an oath to any person or persons, as to his or their amount of sales during the year 1869, and to examine all books and papers of merchants and others, in order to carry out the provisions of section 1 of this ordinance; and if any person shall refuse to make such oath, or if the Collector shall be unsatisfied as to the amount of sales rendered, he shall have the power to assess and collect from every such person what he shall deem to be just..

SEC. 22. *Be it further ordained*, That a Treasurer shall be elected, or appointed by this Convention, to continue in office during its session, and such further time as may be necessary to carry out the provisions of this ordinance; he shall receive the same compensation as members of this Convention, and one per cent. of all moneys received and disbursed by him; it shall be the duty of the Treasurer to provide all blanks, notices, and receipts, necessary to carry out the provisions of this ordinance, and forward the same to the several Collectors; he shall also take the oath provided for United States officers, by Act of Congress, dated July 2, 1862.

SEC. 23. *Be it further ordained*, That the office of the Treasurer shall be in the Capitol, in the city of Jackson, and shall be kept open from 9 o'clock A. M., until 4 o'clock P. M., each day, Sundays excepted.

SEC. 24. *Be it further ordained*, That the Treasurer shall receive and disburse all moneys collected under and by virtue of this ordinance; *Provided*, That no disbursement shall be made, except upon warrants signed by the President, and countersigned by the Secretary; he shall, as often as may be deemed necessary by this Convention, furnish a detailed statement of all moneys received and disbursed by him, by reason of this ordinance, and all books and papers, appertaining to his office, shall at all times, be open to the inspection of the Finance, or other committee, specially appointed by this Convention for that purpose.

SEC. 25. *Be it further ordained*, That all moneys remaining in the Treasury after paying the expenses of this Convention, shall be disposed of by this Convention before its final adjournment, subject to the order of the first Legislature convened under the Constitution to be formed by this Convention.

SEC. 26. *Be it further ordained*, That any Tax Collector or Treasurer, appointed by this Convention, who shall embezzle or fraudulently use, loan, convert, or attempt to convert, any of the said funds herein authorized to be collected, to his own use, or apply them in any manner not herein provided for, shall be deemed guilty of embezzlement, and shall be prosecuted in any Court in this State, having competent jurisdiction, and upon conviction shall be fined and imprisoned as now provided by law, in cases of State and county officers.

SEC. 27. *Be it further ordained*, That a special tax of fifty per cent. be and the same is hereby levied in addition to the State tax now assessed upon the real and moveable property of this State, for the year 1867, and that the amount shall be added to the taxes for the said year.

SEC. 28. *Be it further ordained*, That it shall be the duty of the Sheriffs of the several counties, to add to the assessment rolls for 1867, the per cent. herein authorized, and to collect the same with said taxes according to the laws now in force in this State, for the collection of taxes; they shall receive the same compensation for said services, as now provided by law.

SEC. 29. *Be it further ordained*, That the warrants issued by this Convention, as well as the receipts of all Tax Collectors herein authorized, shall be received by the Sheriffs, in payment of this tax, and also in payment of all other taxes now due this State.

Sec. 30. *Be it further ordained,* That the Sheriffs of the several counties shall make separate returns to the State Auditor and Treasurer, as now required by law, of all taxes collected by them under this ordinance.

Sec. 31. *Be it further ordained,* That the State Treasurer shall receive from the Sheriffs of the several counties the amount of taxes collected by them under this ordinance, and shall pay the same out only upon the warrants issued by this Convention until the meeting of the first Legislature, after the adoption of the Constitution to be formed by this Convention.

Sec. 32. *Be it further ordained,* That no warrants shall be received by the Sheriffs of the several counties in payment of this tax except those herein provided for.

Sec. 33. *Be it further ordained,* That it shall be the duty of the Secretary of this Convention, at the time of its adjournment, to furnish to the Treasurer of the State the number of warrants issued by this Convention, the number outstanding, to whom issued, and the amount of each.

Mr. Cunningham moved that the report be received, and one hundred copies be printed for the use of the Convention.

Mr. Hauser moved to amend the above by substituting three hundred copies instead of one hundred;

Which was adopted.

The committee on Bill of Rights reported progress.

Mr. Newsom offered the following:

*Resolved,* That the following ordinance be inserted in the Constitution:

Article 1. The Legislature shall, by law; establish a House of Correction for juvenile offenders of the State, of the age of fourteen and under, providing for their religious and moral training; appoint suitable chaplains for these purposes, erect school-rooms and work-shops; the inmates to be taught the same branches of education as are taught in the State schools, and the various mechanical trades.

Art. 2. The institution to be under the supervision and inspection of the Superintendent of Public Instruction of the State of Mississippi. He shall make an annual report of the condition of the institution to the Legislature.

Which was referred to the committee on Public Education.

Mr. Musgrove offered the following:

*Resolved,* That no person shall be allowed to speak longer than fifteen minutes on any question that may come before the Convention.

Mr. Fitzhugh moved to lay on the table;

Which was lost.

Mr. Cunningham moved to amend by inserting "thirty minutes," instead of "fifteen."

Mr. McKee moved to lay amendment on the table;

Which was lost.

Mr. Weir moved to lay the whole subject on the table;

Which was carried.

Mr. Chapman offered the following:

*Resolved*, That a committee of five be appointed by the President to report a plan for publishing the proceedings and debates of this Convention;

Which was lost.

Mr. Beam offered the following:

*Resolved*, That each member of this Convention, shall, in the formation of a Constitution for the State of Mississippi, be entirely devoted to the interests of his constituents, and be governed by the power conferred upon us by Congress in the Reconstruction Acts of the same.

Which was carried.

Mr. Goss offered the following:

*Resolved*, That in reference to the swamp and overflowed lands lying and situated on Pearl river, in the counties of Simpson, Copiah, Lawrence, Marion, and Hancock, to be appropriated for the purpose granted by the Legislature of the State of Mississippi, in the year 1852, for the purposes of reclaiming and draining said swamp and overflowed land by levying or removing obstructions from said river.

Referred to the committee on Internal Improvements.

Mr. Goss offered the following:

*Resolved*, That all marriage licenses heretofore issued by any Probate Clerk, and bonds taken in such cases, and marriages had thereunder, in accordance with the laws of the State existing on the 9th day of January, 1861, and the registration of all marriage licenses, bonds, and certificates of marriage, be and the same are hereby declared valid and binding and in full force and effect.

*Second*, That all deeds, bonds, and mortgages, acknowledgments, wills, and other instruments made, taken, proved, registered, certified, and authenticated by and before any Probate Clerk of this State, or any other officer, pursuant to and in accordance with the laws of this State existing on the 9th day of January, 1861, be and the same are hereby ratified and held valid, binding, and in full force and effect.

*Third*, That all crimes heretofore committed during the rebellion, and not yet punished, if crimes against the laws of this State in force on the 9th of January, 1861, shall remain crimes and be proceeded with according to the laws of this State which were in force on the 9th of January, 1861.

Referred to committee on the Judiciary.

Mr. Parsons, of Hinds, offered the following:

*Resolved*, That the President appoint a committee of five, to examine into the disposition which has been made of the various appropriations ordered by the Legislatures of 1865-66 for the repair of public buildings; and also to consider the expediency of abolishing the office of State Architect and Superintendent of Army Records; said committee to have power to send for persons and papers.

Referred to the committee on Finance.

Mr. Peyton, of Hinds, offered the following:

*Resolved*, That the following officers shall be elected by the people of the State of Mississippi:

One Governor;
One Lieutenant-Governor;
One Secretary of State;
One Auditor of Public Accounts;
One Attorney General;
One Treasurer;
One Superintendent of Public Schools:
One Chief Justice of High Court of Errors and Appeals;
Two Associate Justices of the High Court of Errors and Appeals;
One Major General;
One Adjutant General;
Five Brigadier Generals (one in each Congressional District);
Five Congressmen;
Two Senators, to be chosen by the Legislature of said State.

Referred to the committee on Legislative Department.

Mr. John Elliott offered the following:

Whereas, There is a law in force in the State of Mississippi, at this time, exacting a heavy *per capita* tax; also a tax upon dogs, guns, and pistols; and,

*Whereas*, This tax, when added to the county assessment, renders it oppressive to the poor man and freedman; therefore, be it

*Resolved*, That the committee on Legislative Department be instructed to consider this matter, and, by a Constitntional provision, prohibit such legislation in the future.

Referred to the committee on Legislative Department.

Mr. Alderson offered the following:

*Resolved*, That the President appoint another assistant to the Secretary of this Convention, to aid him in the discharge of his duties.

Which was adopted.

The President, upon being so authorized, appointed Mr. M. M. Peyton, of Hinds, as an Assistant Secretary.

Mr. Merryman offered the following:

Whereas, This Convention is assembled for the purpose of framing a State Constitution, and its functions are clearly set forth in the Reconstruction Acts; therefore, be it

*Resolved*, That this Convention entertain no proposition which partakes of the nature of legislation, but confine their action to their specific duties.

Which was laid on the table.

Mr. Moore offered the following:

Whereas, There are at this time many persons known as refugees, some as former slaves, sold and taken far away from friends and home, and now without the means necessary to return thereto; therefore, be it

*Resolved*, That a committee of three be appointed by the President to confer with General Gillem, commanding Fourth

Military District, and request that he furnish such persons with the necessary means to reach their former homes.

A motion to lay on the table was lost.

And the resolution was adopted.

Mr. Field, of Lowndes, offered the following:

WHEREAS, This Convention has been elected under the provisions of the Reconstruction Acts of Congress, with a view to give constitutional civil government to Mississippi; therefore, be it

*Resolved*, That this body will diligently and economically use its time in doing the work assigned it, and nothing else.

*Resolved*, That the President be instructed to appoint other persons on the Standing Committees of this body, unless more diligence in the performance of duty is manifested, in a day or two, by those who now compose them.

Mr. Castello offered the following amendment:

That each member does agree to serve on any committee when the Chairman may require his services.

Mr. Stiles moved to lay on the table;

Which was lost.

Mr. Parsons moved to lay the whole subject on the table;

Which was lost, by the following vote:

YEAS—Messrs. Alderson, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Clarke, Fitzhugh, Gibbs, Hauser, Holland, Jacobs, Johnson, Lawson, Myers, Mygatt, McKnight, Parsons of Adams, Parsons of Hinds, Peyton of Hinds, Quinn, Stringer, Stiles, Toy, Vaughan, Weir, and Yeoman—28.

NAYS—Messrs. Alcorn, Beam, Chappell, Combash, Cunningham, Dalton, Dowd, Drane, Elliott James, Fawn, Field, Gaither, Goss, Handy, Hutto, Leonard, Mayson, Musgrove, Montgomery, Miles, Morgan, McKee, Neilson, Nelms, Newsom, Ozanne, Phillips, Powell, Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stricklin, Townsend, Walker, Watson, Warren, and Woodmansee—40.

Special order of the day coming up, being Ordinance No. 1, Mr. Stricklin offered the following amendment to section 1:

Amend section 1, by striking out the words "*Vicksburg Republican* and *Meridian Chronicle*," in the third and fourth lines of said Section.

Mr. Fitzhugh moved to lay the amendment on the table; and upon the yeas and nays being called, the amendment was laid on the table, by the following vote:

YEAS—Alderson, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Dowd, Drane, Elliott of Itawamba, Elliott of Monroe, Fawn, Fitzhugh, Gibbs, Hauser, Holland, Hutto, Jacobs, Johnson, Jones, Lawson, Leas, Leonard, Mayson, Musgrove, Miles, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Newsom, Ozanne, Parsons of Hinds, Parsons of Adams, Peyton, Powell, Quinn, Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stringer, Stiles, Toy, Warren, Weir, Woodmansee, and Yeoman—55.

NAYS—Messrs. Alcorn, Beam, Dalton, Gaither, Goss, Howe, Montgomery, Merryman, McCutchen, Neilson, Nelms, Phillips, Stovall, Stricklin, Townsend, Vaughan, Walker, Watson—18.

Mr. Stricklin moved to amend by inserting the *Clarion* after the words *State Journal*, in the fourth line of section one;

Which was laid on the table.

Mr. Morgan moved to take up the ordinance, section by section;

Which was adopted.

On motion of Mr. Fitzhugh, section one was adopted.

Mr. Castello moved to amend section 2, fourth line, by striking out all after the word "publication," and insert, "such compensation as allowed by the House of Representatives of the United States;"

Which was laid on the table.

Mr. Parsons, of Adams, moved to strike out the word "fifty," in the second section, fourth line, and insert "seventy-five;"

Which was laid on the table.

Mr. Gibbs moved to insert "one dollar" in place of "fifty cents;"

Which was laid on the table.

Mr. Townsend moved to strike out all after the word "square," and insert "of sixteen lines brevier type;"

Which was laid on the table.

Mr. Gibbs moved to substitute the words, "at the rate allowed for official advertisements by the State of Mississippi;"

Which was laid on the table.

Mr. Clarke moved the adoption of section 2 as it reads in the original.

Mr. Woodmansee moved to strike out "one hundred," and insert "two hundred," in the second line of section 3;

Which was laid on the table.

The question recurring on the adoption of section 3, it was adopted.

Mr. Morgan moved that section 4 be referred to the committee on Finance.

Mr. Stiles moved to lay the motion of Mr. Morgan on the table;

Which was lost.

The question recurring on reference of section 4, it was referred to the Finance Committee.

Mr. S. Johnson offered the following:

Whereas, The present exorbitant exemptions of property from execution has worked most disastrously to all classes of the country, and particularly the poor laboring classes who work faithfully on the planter's farm, in good faith, that he will receive his wages at the end of the year, yet if the employer proves a dishonest man, he can go behind the present exemptions and bid defiance to the laborer; and

*Whereas*, It is a known fact that very many poor men cannot command necessary medical attention for themselves and families when sick in consequence of the existing exemption law; therefore, be it

*Resolved*, That from and after the adoption of the Constitution submitted by this Convention, there shall be no property exempted from execution for a man's debts, except the wearing apparel of the debtor and his family, except property that the debtor's wife may have inherited, and that shall not be exempted for her debts.

*Resolved further*, That this ordinance shall apply only to debts contracted after the adoption of the Constitution submitted by this Convention.

Referred to committee on Legislative Department.

Mr. Johnson offered the following:

WHEREAS, A large amount of the indebtedness of Mississippi that existed previous to May, 1865, was incurred by a class of honest, industrious, but poor men, to enable them to secure homes for themselves and families, by purchasing land of their more wealthy neighbors, and executing their notes at long interest, so as to enable them to clear up and cultivate the land, and thereby make the money to pay for the same, and it being a well known fact, that in a large number of instances the land thus sold, and the money due therefor and unpaid, justly belongs to minor heirs of decedents, and to annul such debts would deprive those minor heirs of the necessary means to acquirethe rudiments of the most common education; *Further*, That it would be a species of ingratitude towards a class of our citizens who have manifested a generous willingness to assist their less fortunate neighbors by selling them land on long time, and in consequence of unpropitious seasons, and consequent failure of the agriculturalist, who have been unable to realize more than barely sufficient to defray expense; and, therefore, could make no payment on land, and whilst the feeling creditor declined entering suit and wresting the land from the unfortunate debtor, and thereby blasting all his hopes of securing a home in fee simple; therefore, be it

*Resolved*, That if the Convention now assembled ordain that all debts previous to May, 1865, be null and void, or if it ordain that no debt made previous to 1865, shall be collected for twenty years, that all such debts for real estate be excepted in said ordinance.

*Resolved further*, Providing such debts for real estate be excepted in said ordinance annuling all debts, then if such creditors shall sue at law to collect debts for real estate, shall first sell the land that created the debt, and should it bring more than the purchase money and cost of suit, the overplus goes to the debtor, and should the land bring but a tithe of the debt, yet it shall be a discharge in full to the debtor for the purchase of such land sold.

Referred to committee on General Provisions.

Mr. Morgan offered the following:

*Resolved*, That the report of the committee to memorialize Congress for the removal of State officers be made the special order for to-morrow at 11 o'clock, A. M., and that rule thirty be suspended to allow of this being done.

Yeas and nays called, pending which, Convention adjourned until to-morrow morning at 10 o'clock.

T. P. SEARS,
*Secretary.*

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## FOURTEENTH DAY.

JACKSON, MISS., Wednesday, January 22d, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The roll being called, the following delegates answered to to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Beam, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Compton, Cunningham, Dowd, Drane, Elliott James, Elliott John, Fawn, Field, Fitzhugh, Gibbs, Goss, Gray, Handy, Hauser, Herbert, Holland, Howe, Hutto, Jacobs, Jamison, Johnson, Lack, Lawson, Leas, Leonard, Mayson, Mask, Musgrove, Miles, Merryman, Moore, Morgan, Myers, Mygatt, McKee, Nelms, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Powell, Railsback, Rainey, Richardson, Stewart, Stites, Stricklin, Stringer, Townsend, Toy, Walker, Watson, Warren, Williams, Woodmansee, Yeoman—69.

The Journal of yesterday was read.

Mr. Orr, of Harrison, offered the following:

*Resolved*, That that portion of the Journal of this Convention of January 21, 1868, wherein the report of the committee on Ordinance and Schedule, appears as the order of the day for said day, be corrected by striking out the words "order of the day."

On motion of Mr. Compton, it was laid on the table.

Mr. Clarke moved a suspension of the rules so as to allow the reports of standing committees to be presented.

The rules were suspended.

The chairman of the Committee on Legislative Department reported progress.

The chairman of the committee on Ordinance and Schedule reported progress.

The chairman of the committee on Printing, Mr. Orr, reported progress, and respectfully stated that the committee would report fully to-morrow.

The following report was submitted by the chairman of the committee on Finance:

*To the Hon. President and Members of the Constitutional Convention of Mississippi.*

Your Finance Committee, to whom was referred section 4 of an ordinance entitled an ordinance in reference to the publication of the proceedings of this Convention, would respectfully report and recommend that said section be stricken from said ordinance.

Yours, respectfully,
F. PARSONS,
*Chairman.*

On motion of Mr. Musgrove, the report was received and adopted.

The chairman of the committee on Public Education reported progress.

Mr. Mygatt, chairman, submitted a report from the committee on Bill of Rights, which reads as follows:

## PREAMBLE.

We, the people of the State of Mississippi, in Convention assembled, acknowledging the existence of a Supreme Being, and believing that His overruling Providence has wrought out those mighty changes through which we have passed, wherby freedom, civil and political rights, have been given to a race in our midst, who were lately in bondage, and believing that this great revolution, involving the whole structure of society and government, necessitates an organic change, and the formation of a Constitution adapted to this new order of events, do ordain as follows, viz:

## BILL OF RIGHTS.

### ARTICLE 1.

SECTION 1. No person shall be deprived of life, liberty, or property, except by due process of law.

SEC. 2. The writ of *habeas corpus* shall only be suspended in case of invasion or rebellion.

SEC. 3. There shall be perfect freedom of religious sentiments, nor shall any person's religious opinions prevent his sitting on juries, becoming a witness, or holding any office of honor, profit or trust.

SEC. 4. Freedom of speech and the press shall be held sacred, but for its abuse, both in speaking and writing, any person shall be held responsible in law.

SEC. 5. Life or liberty shall not be jeopardized by a second trial for the same offense.

SEC. 6. The right of the people to petition government on any subject, or peaceably to assemble, shall never be impaired.

SEC. 7. There shall be no forfeiture of estate on account of conviction for crime.

SEC. 8. All persons charged with crime may demand a speedy trial, a copy of the accusation, counsel for defense, and compulsory power to send for witnesses and papers.

SEC. 9. In case of arrest, excessive bail shall not be required, and all cases of crime shall be made bailable, except treason and murder.

SEC. 10. There shall be no laws impairing the obligation of contracts or retroactive laws.

SEC. 11. The right of way, when the public good requires it, for roads or internal improvements, shall be granted by the owner thereof, and he shall accept the award of three commissioners, whose appointment shall be determined by law.

SEC. 12. There shall be no imprisonment for debt, or otherwise, except as a punishment for crime.

SEC. 13. The right of trial by jury shall be inviolate.

SEC. 14. All persons for injuries suffered in person, reputation, or property, shall have their remedy by due course of law.

SEC. 15. All people shall be secured in their persons, houses, papers, and possessions, from unreasonable searches and seizures, and no warrant shall be issued without a special designation of the place to be searched and the person or thing to be seized.

SEC. 16. Every person shall have a right to keep and bear arms for their common defense.

SEC. 17. No tax or duty shall be imposed without the consent of the people, or their representatives in the Legislature.

SEC. 18. No special State or county tax shall be assessed or levied on cotton.

SEC. 19. The rights of married women shall be protected by law, for property owned previous to marriage, and also, for all property inherited or devised since their marriage.

SEC. 20. A well regulated militia is the proper, natural, and sure defense of a State.

SEC. 21. The Legislature, at its first session under the new Constitution, shall pass an Act to establish a homestead law and exemption laws, not to exceed fifteen hundred dollars in real and personal property.

SEC. 22. No property qualification shall be required for holding any office of honor, profit, or trust in this State.

SEC. 23. No property or educational qualification shall ever be required to become en elector.

SEC. 24. No person elected to any office of honor, profit, or trust, shall be required to give bond, but any defalcation shall be a Penitentiary offense, not less than one or more than ten years, according to the judgment of the court; and his private property shall be held responsible.

SEC. 25. No slavery or involuntary servitude, no system of peonage, and no binding out of children against the wishes or will of their parents or guardians, or any other person having charge thereof, shall ever be tolerated in this State.

SEC. 26. There shall be no freehold qualification to become a juror, nor any distinction of race or color.

SEC. 27. Ten competent jurymen shall decide all cases in civil practice, but in all criminal cases, there must be a unanimous verdict of the jury.

SEC. 28. No compensation for losses growing out of the emancipation of slaves, shall be demanded, nor shall any debts be collectable, where the obligations were based on slave property.

SEC. 29. No person's life shall be periled by the practice of duelling. Any person who shall challenge another to mortal combat, shall, for that offense, be confined in the penitentiary, and the duration thereof shall be regulated by law. All persons engaged in a duel, whether the mortal combat takes place in this State, or the parties go into any other State for said purpose, shall, if possible, be arrested, and if found guilty, be confined in the penitentiary, the duration thereof to be regulated by law. Should one of the parties fall in said mortal combat, the survivor shall be deemed guilty of murder in the highest degree, and as such shall be punished.

SEC. 30. The death penalty shall not be inflicted for any crime known to our laws; but in lieu thereof the criminal shall be confined in the penitentiary for life, or not less than twenty years, as the court may decide.

SEC. 31. The employee shall have a prefered lien on the property of the employer, to be regulated by law at the first Legislature under this Constitution.

Which, on motion of Mr. Wier, was received, and two hundred copies ordered to be printed, and the report, under the rules, made the order of the 24th instant.

The chairman of special committee on Destitution, Mr. Alderson, made a report, which is as follows:

MR. PRESIDENT: The committee appointed to inquire into the destitute condition of a portion of the citizens of this State, and the best means of present and permanent relief to the same, report as follows, to-wit:

That they have called upon the delegates to this Convention for information of the condition of the citizens of their respective counties, and have examined their reports on that subject, and find that there exists, at this time, nearly all over this State, an alarming state of destitution among the laboring classes, and to some extent among other persons, strangers to labor and economy.

From a careful investigation of this subject, we have been induced to set down the number of the destitute and suffering persons at thirty thousand. This we regard as a low estimate for the suffering and destitute, but the number of those in straightened and needy circumstances may safely be set down at not less than forty thousand. We find but eleven counties free from distress and suffering, and in nearly all the rest there is more or less destitution, and in some it is bordering on actual starvation.

It becomes us in the discharge of our duty to point out some present mode of relief for this truly alarming condition of the destitute citizens of this State. This is by no means an easy task, and has caused us much serious thought and reflection. But after listening to many suggestions from different persons, in and out of this Convention, we have thought best to recommend the following plan of present relief as the best we can devise, to-wit: That the Sheriffs of the several counties in this State be authorized by this Convention to hold, subject to the orders of the Boards of Police, and the retained Registrars of the said several counties, the poll-tax collected or to be collecled, in their said counties, to be applied by said Boards and Registrars, acting together in said matter, in such manner as they or a majority of said Board, together with said Registrars shall direct, requiring persons thus relieved to work on the public roads, or some other public works, of said counties, simply supplying said destitute persons with sufficient food and clothing necessary to keep them warm, and this to be continued only till they can get employment and wages elsewhere, sufficient to keep them from starvation; and that a strict account be kept by said Registrars of all the money expended by said Board and Registrars as aforesaid, and the said Registrars be required to direct the labor of said indigent and destitute persons, and report to the respective Boards of Police at least once in two weeks of the number and condition of those employed, and to receive such compensation as the Boards of Police may direct, not to exceed four dollars a day.

By this means, the roads of the different counties, that are now in a very bad condition, and many of them almost impassible, might be put in good order, at a very little expense, resulting in a great benefit to the traveling public, and to the destitute and starving individuals.

And for a permanent relief to this class of persons, and to the country at large, we would respectfully recommend that this Convention adopt the plan laid down by the chairman of this committee, in a letter by him to Gen. Henderson, of the United States Senate, dated December 25, 1867, and that said letter be immediately forwarded to the said Henderson, and that he be requested to lay the same before Congress, and urge them to carry into effect the plan of relief therein proposed.

And for this purpose your committee offer the following resoluton, to-wit:

*Resolved,* That the said letter written by the chairman of this committee, to Gen. Henderson, of the United States Senate, dated December 25, 1867, be endorsed by the President of this Convention, and immediately forwarded by the Secretary to the said Henderson, and that he be requested to lay the same before Congress, and urge the adoption of that, or a similar plan, as the only hope of a permanent relief to this large disorganized element of a landless and homeless mass of wandering and destitute sufferers.

A. ALDERSON,
*Chairman.*

On motion of Mr. Hauser, the report was received, and 200 copies ordered to be printed.

The special committee to investigate charges against Mr. W. T. Stricklin, of Tippah, submited the following report:

MR. PRESIDENT: Your committee, appointed to inquire into charges against Mr. W. T. Stricklin, received from Headquarters of the Fourth Military District, would make the following report: Inasmuch as the charges are from an anonymous source, with no date or no place, we, therefore, recommend that the Secretary be instructed to return the communication to Headquarters Fourth Military District, with the endorsement that the charges cannot be entertained by this Convention, inasmuch as they are contained in an anonymous letter.

Respectfully submitted,

JOHN FAWN,
*Chairman.*

Report received.

Mr. Morgan, chairman of the committee on Relief, submitted the following report:

The committee on Relief ask leave to report the following resolution:

*Resolved*, That the Commanding General of this District be requested to forthwith suspend the collection of all taxes assessed for 1867, on each and every poll not allowed representation at the time said assessment was made; and, be it

*Resolved, further*, That whenever the said poll-tax, whether for State or county purposes, or any or all other purposes, if it exceeds $2 00 per poll, the same be likewise suspended; and be it

*Resolved, further*, That a copy of this resolution, signed by the President and Secretary, be forwarded to the General Commanding, without delay.

A. T. MORGAN,
*Chairman.*

Report received.

Mr. Barry, chairman of the committee to memorialize Congress in reference to delegating to this Convention certain authority, submitted the following report:

MR. PRESIDENT: The committee, to whom was assigned the duty of memorializing Congress to grant to this Convention the power to declare vacant all civil offices in the Provisional Government of Mississippi, and to fill the same, made the following report:

*To the Congress of the United States:*

The Constitutional Convention, elected under the laws of Congress, for the reconstruction of civil government in the State of Mississippi, now in session in the city of Jackson, of said State, beg leave to represent to your honorable bodies, that the loyal people of this State, in our opinion, require your immediate aid to remove obstructions impeding the action of their representatives in Convention assembled.

The loyal union men of Mississippi have accepted, in good faith, the reconstruction laws, and are laboring to institute a civil government that shall recognize the rights, and protect the liberties of the citizen, and on such principles as shall render it acceptable to the National Congress.

The reconstruction laws of Congress, nine months ago, found the State under a civil government, so-called, organized in 1865, by not more than one-third of the white men who were authorized to vote by the President's proclamation.

They found this government administered by rebels—not in name merely, but really such in heart, in head, in policy, indeed in all respects save open hostility.

When the terms of reconstruction were announced by Congress in the early part of last year, it was hoped by many sanguine friends of the Union that they would be willingly accepted by the great mass of the Southern people. Not so, however, has been the result; and as the work of reconstruction advanced there was gradually developed and made manifest—first, dobut; then fear or apprehension; then opposition, and lastly, an absolute and unmistakable hostility.

During this transition state of public sentiment from doubt to hostility, it may be imagined what proscription and abuse the faithful Union loyalist had to meet.

All this he has borne with a calm defiance, an unfaltering devotion to country, to liberty and the Union.

And now, this rebel sentiment has culminated on the floor of the Convention itself, by a member in a report to this body, averring that the Convention is an unauthorized body, called by an unconstitutional law of Congress, and has therefore, no legal or binding power over the State of Mississippi, in compelling obedience to its ordinances.

In addition the impediments thrown in the way of the Convention by this popular sentiment, arising from the broken fragments of secession and rebellion—which may very safely be permitted to drift aloof from all participation in reconstruction—there is another, and a much more formidable power, productive of far greater embarrassment to reconstruction than that already brought to view, namely, the administrators of the provisional government of the State, whose terms of office have expired.

These incumbents, continued in office by the forbearance of Congress, were elected by only a portion of the people, in 1865; when, if any Union candidate had presented his claims for office to the voters he would have been denounced for his folly and presumption.

While these officials have neglected to protect the lives and property of loyal men, they have used, and we believe will continue to abuse the power their positions give them to prevent the growth of loyalty, or the restoration of peace and order. At least, their action or non-action, may result greatly to the embarrassment of this Convention, in its work of reconstruction.

We, therefore, in the name and in the behalf of the loyal people of Mississippi; in the name of justice, liberty and humanity, do most earnestly and respectfully petition your honorable bodies to authorize this Convention to declare all civil offices in the State vacant, and to fill them at once by the appointment of true and loyal men, whom, we humbly trust, and confidently believe, will greatly add to the success of the Congressional plan of reconstruction.

All of which is most respectfully and deferentially submitted to the consideration of your honorable bodies, and as in duty bound, we will ever pray, etc.

H. W. Barry,
*Chairman.*

Report received.

Mr. Morgan moved to suspend the rules, so as to permit action at once upon the report.

Mr. Alcorn, of the same committee, presented a minority report, as follows:

Mr. President: The undersigned, representing a minority of the committee appointed to memorialize Congress, asking for this Convention authority to remove all civil officers of this State, and to appoint others in their places, beg leave to present the following report:

That as Congress, in its wisdom, has confided the State affairs to the Military Commander of this District; and as there is a bill now pending before Congress, and in all probability will soon pass, giving to General Grant supervisory powers over all the Military Districts, thus securing a more just and efficient government, not only to this State, but to all other Southern States. And as Congress has recently voted down, or defeated without a vote, a resolution introduced by Congressman Butler, vacating officers and empowering conventions to fill them; and as there is a probability that there will speedily be a change from military to civil government, established by a vote of the people, therefore it is deemed inexpedient to memorialize Congress on the subject.

Respectfully submitted.

Robt. J. Alcorn,
*Of the minority.*

Mr. Gibbs moved to adopt the majority report.

Mr. Castello called the previous question;

Which was not sustained, by the following vote:

Yeas—Messrs. Alderson, Barry, Bridges, Brinson, Caldwell, Castello, Chapman, Combash, Cunningham, Drane, Elliott Jas, Fitzhugh, Gibbs, Handy, Herbert, Holland, Mayson, Miles, Mygatt, McKee, McKnight, Parsons F., Parsons J. R., Peyton E. A., Quinn, Stringer, Toy, Woodmansee, and Yeoman—29.

Nays—Messrs. Alcorn, Ballard, Beam, Bonney, Chappell, Clarke, Compton, Dalton, Dowd, Elliott John, Fawn, Field, Gaither, Goss, Gray, Hauser, Hemmingway, Howe, Hutto, Jacobs, Johnson A., Jones, Lack, Lawson, Leas, Leonard, Musgrove, Montgomery, Merryman, Moore, McCutchen, Neilson, Nelms, Newsom, Orr, Ozanne, Phillips, Powell, Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stovall, Stricklin, Stiles, Townsend, Walker, Watson, Weir, and Williams—53.

Order of the day coming up, being a special order on ordinance No. 3, on duelling, and to prohibit the practice of same.

### AN ORDINANCE TO PROHIBIT THE PRACTICE OF DUELLING.

SECTION 1. *Be it ordained by the people of the State of Mississippi, in Convention assembled,* That any inhabitant of this State who shall hereafter be engaged in a duel, either as principal or accessory, shall forever be disqualified as an elector from holding any office of trust or profit under the Constitution and laws of this State; and any one offending against the said ordinance, shall be subject to the pains and penalties of perjury.

The Legislature may pass such laws, and prescribe such oaths, as they may deem necessary, and may require all officers, before they enter on the duties of their respective offices, to take and subscribe to said oath.

On motion of Mr. Chappel, it was referred to the committee on the Bill of Rights.

Mr. Castello offered the following:

### AN ORDINANCE PROVIDING ADDITIONAL QUALIFICATIONS FOR VOTERS, PREVENTING FRAUDS AT ELECTIONS, AND FOR OTHER PURPOSES.

*Be it ordained by the people of the State of Mississippi, in Convention assembled, as follows, to-wit:*

SECTION 1. A registry of electors is hereby created and established in each county in the State, in which shall be kept a record of all persons qualified to vote under this Constitution.

SEC. 2. The Registrar of elections in his county, shall have power, and it shall be his duty to examine, under oath, all persons who make application to have their names registered (as electors), in relation to their qualifications as voters, which, if he find to be in accordance with the requirements of the Constitution, ordinances and laws of the State, he shall issue his certificate of registration, duly signed and sealed, which, when exhibited to the judges of any election, shall be *prima facie* evidence of the right of the person in whose name it is issued, to vote during that year.

SEC. 3. Each Registrar shall use a seal, bearing upon it the legend of his office.

SEC. 4. No person shall vote at any election to be hereafter held in this State, or in pursuance of the Constitution and laws thereof, whether State, county, township or municipal, unless he exhibit to the judges thereof his certificate of registration for the current year; and the judges of elections shall cause the number of each voter's certificate to be entered on the poll-book, opposite his name.

SEC. 5. The Governor of the State shall, on or before the ---- day of ------, and every four years thereafter, appoint said Registrars of Election, who shall hold their offices for four years, and until their successors are duly appointed and qualified.

SEC. 6. The oath required in an ordinance entitled an ordinance defining the qualifications of voters and civil officers in this State, adopted in Convention ------ A. D. ------, to be taken by electors previous to voting, shall be administered by and be subscribed to before said Registrars; and in addition thereto the following oath shall be taken by and subscribed to by all naturalized citizens, before said Registrars, to-wit:

"I, ------, do solemnly swear or affirm, as the case may be, that I have not, during my residence within the United States, or any of the territories thereof, in any manner claimed the protection of any foreign Prince, Potentate, State, or Sovereignty, and particularly the (here insert the name of the Prince, Potentate, State, or Sovereignty whereof the applicant was a subject); so help me God."

SEC. 7. The certificates of registration, to be issued as above provided for, shall be in numerical order, and in the following form:

CERTIFICATE OF REGISTRATION.

COUNTY OF ------, STATE OF MISSISSIPPI,
Date ------------.

This is to certify that (name), aged ---- years, a native of ------ county, residing in (ward or township), has registered his name in pursuance to ordinance.

(Signed) ----------------------,
*Registrar of Election.*

SEC. 8. Each County Court, at its county seat, shall provide a suitable room in which said Registrar shall perform his duties, and he shall be supplied by said court with the necessary furniture and stationery.

SEC. 9. Each Registrar, before entering upon the performance of his duties, shall file with the Clerk of his County Court, an oath that he will support the Constitution of the United States and of the State of Mississippi, and that he will faithfully and impartially perform the duties of his office.

SEC. 10. He shall keep, in a well bound book, a copy of each certificate issued by him, showing, in alphabetical order, the names and number of electors registered from each ward or township.

SEC. 11. Each Registrar, before entering upon his duties, shall give bond to be filed with, and approved by the County Court of his county, in the penal sum of two thousand dollars, with good and sufficient securities, conditioned for the faithful performance of his duty. Each Registrar shall be in his office from 9 o'clock A. M., till 4 o'clock P. M., every working day in the year, and if necessary he may employ deputies.

SEC. 12. If the Registrar, at any time, fails to comply with the provisions of this ordinance, the County Court of his county shall notify the Governor of the nature of his delinquency, whereupon the Governor may remove said Registrar and appoint another for the remainder of the term; and said County Court may enter suit in any court of competent jurisdiction against said delinquent Registrar and his securities, and recover damages to the amount of his bond.

SEC. 13. Any person who shall make false representations to any Registrar of elections, for the purpose of obtaining a certificate of registration, upon conviction thereof by any court of competent jurisdiction, shall be adjudged guilty of perjury, and shall be punished therefor in accordance with existing laws.

SEC. 14. The Legislature of this State shall provide by law for the payment of the salaries of Registrars of electors, and establish the amount of compensation to be paid said Registrars.

Which, on motion, was referred to the committee on Franchise.

Mr. Jamison was granted leave of absence for one week.

Mr. Mygatt introduced the following:

*Resolved*, That the Chair appoint a committee of five, whose duty it shall be to memorialize Congress, and respectfully ask that honorable body to confer on this Convention the right to remove all disabilities from a class of persons in this State whom the fourteenth article of the proposed amendment of the Constitution, and by the registry are disfranchised, and yet whose loyalty and assistance in reconstruction justly entitles them to our favorable consideration.

Mr. Gibbs moved to lay on the table;

Which was adopted.

Mr. Musgrove called up ordinance No. 1, which was in reference to the reduction of taxes in the several counties of this State.

Mr. Gibbs moved that the ordinance be passed to its third reading;

Which was adopted.

Mr. Fitzhugh moved to adjourn;

Which was lost.

Mr. Railsback introduced the following:

*Resolved*, That no member of this Convention shall be permitted to speak over fifteen minutes on any subject without the consent of the Convention.

Mr. Gibbs moved to lay on the table;

Which was lost.

Mr. McKee called for the previous question, which was sustained; and the question recurring on the adoption of the resolution, it was adopted.

Mr. Gibbs moved to reconsider.

No immediate action was had upon reconsidering the vote.

Leave of absence was granted to the following named delegates for the period affixed to their names: Mr. Lawson five days, Mr. Mask six days; Mr. S. Johnson four days.

Mr. Fitzhugh moved to adjourn;

Which was lost.

Mr. Cunningham moved to lay the motion to reconsider vote upon passage of resolution allowing delegates fifteen minutes to speak upon the table;

Which was adopted.

A motion to adjourn was lost.

Mr. Gibbs offered the following:

*Resolved*, That the report of the special committee to memorialize Congress to give authority to this Convention to remove State officers, etc., be adopted, signed by the President and Secretary, of this Convention, and transmited one copy to the President of the Senate, and one to the Speaker of the House of Representatives of the United States.

Mr. Townsend moved to amend by substituting minority report for majority report;

Which was laid on the table, upon a call of the yeas and nays, by the following vote:

YEAS—Messrs. Alderson, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Chapman, Chappell, Clarke, Cunningham, Drane, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Jacobs, Johnson, Jones, Lack, Lawson, Leas, Leonard, Mayson, Musgrove, Miles, Moore, Morgan, Myers, Mygatt, McKee, Newsom, Orr, Ozanne, Parsons of Adams, Parsons of Hinds, Peyton of Hinds, Powell, Quinn, Railsback, Rainey, Richardson, Smith, Stewart, Stiles, Stringer, Stites, Toy, Warren, Weir, Williams, Woodmansee, and Yeoman—54.

NAYS—Messrs. Alcorn, Compton, Dalton, Dowd, Gaither, Goss, Gray, Hemmingway, Howe, Hutto, Montgomery, Merryman, McCutchen, Neilson, Nelms, Phillips, Stricklin, Townsend, Walker, and Watson—20.

The hour for adjournment having arrived, the Convention adjourned until to-morrow morning, at 10 o'clock.

T. P. SEARS,
*Secretary.*

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## FIFTEENTH DAY.

JACKSON, MISS., Thursday, January 23d, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chappell, Clarke, Combash, Compton, Cunningham, Dalton, Dowd, Drane, Elliott John, Elliott James, Fawn, Field, Gaither, Gibbs, Gray, Handy, Hauser, Hemmingway, Herbert, Holland, Howe, Hutto, Jacobs, Johnson A., Jones, Kerr, Lack, Leas, Leonard, Longmire, Mayson, Musgrove, Montgomery, Miles, Merryman, Morgan, Myers, Mygatt, McCutchen, McKnight, Neilson, Nelms, Newsom, Orr, Parsons of Adams, Parsons of Hinds, Peyton of Hinds, Phillips, Powell, Quinn, Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stovall, Stricklin, Townsend, Toy, Watson, Warren, Weir, Williams, Woodmansee, Yeoman—74.

Journal of yesterday read and approved.

Leave of absence was granted Mr. Stringer for two days.

Mr. Gibbs moved a suspension of the rules so as to allow the reports of standing and special committees to be presented.

The committee on Executive Department reported progress.

The committee on General Provisions reported progress.

The committee on Printing submitted the following report:

*To the President and Members of the Convention:*

The committee on Printing, after carefully examining and comparing former rates and contracts for such work, respectfully ask leave to recommend that the following rates of compensation be allowed the official printer of this Convention, viz:

SECTION 1. For the first five hundred copies of the Journal of the Convention in book form, printed in long primer type, the pages to be of the usual size of such work, and to be folded and stitched in the ordinary style, five dollars will be allowed for each page, and for every five hundred copies after the first five hundred, three dollars per page, and in the same proportion for fractions of five hundred copies.

SEC. 2. For all documents, reports, or other matter than the Journal of the Convention, printed in book or pamphlet form, composed in long primer, the pages to be of the same length and breadth as the Journal, five dollars per page for the first two hundred copies, and for every additional two hundred copies, three dollars per page; for resolutions, memorials, reports of committees, printed on foolscap or similar sized paper, composed in long primer type, thirty-six ems wide and ninety-five lines in length, for the first two hundred copies, eight dollars per page, and for each additional hundred copies, four dollars per page; for all matter marked "official," and published in the Official Journal, seventy-five cents per square of the space of ten agate lines, for the first insertion, and twenty-five cents for each subsequent insertion.

Your committee would suggest that this estimate is, in the main, at lower rates than heretofore allowed for a similar work, while the price of composition and the cost of printing material is now much higher.

Your committee would, therefore, most respectfully ask that these rates be allowed, and that the number of the Journal ordered in book or pamphlet form, be twenty-five hundred copies.

SEC. 3. Your committee would also report on the resolution offered by the Hon. N. J. Chappell, relative to publishing, in pamphlet form, the report of the proceedings of the Convention, as follows: That 200 copies of the official Journal of this Convention, be published daily, in pamphlet form, the pages to be of the usual size of such work, and to be folded and stitched in the ordinary style, at the rate of five dollars per page for the first two hundred copies.

SEC. 4. That the official Journal of this Convention be published in the following additional newspapers: the *Vicksburg Republican*, and the *Meridian Chronicle*; said Journal to be taken by said papers from the official report as published in the official organ of this Convention; to be paid for at the same rates allowed the official printer, at which rates your committee has calculated the aggregate sum, will be but comparatively small, when considered in connection with the public utility which may result from this just distribution of patronage.

The adoption, by the Convention, of this recommendation, is of great importance in acquainting the people of the whole State with the acts of their public servants, and will tend materially in aiding the cause of reconstruction of the loyal government in this State, founded on principles of true republicanism; with these objects in view, and considering the eminent justice of the measure, your committee offer the accompanying resolutions for adoption:

*Resolved*, That the following rates of compensation be allowed the official printer of this Convention, to-wit: For the first five hundred copies of the Journal of the Convention in book form, printed in long primer type, the pages to be of the usual size of such work, and to be folded and stitched in the ordinary style, at five dollars per page; and for every five hundred copies after the first five hundred, three dollars per page; and in the same proportion for fractions of five hundred copies, for all documents, reports or other matter than the Journal of this Convention, printed in book or pamphlet form, composed in long primer type, the pages to be of the same length and breadth as the Journal, at five dollars per page for the first 200 copies, and for every additional 200 copies, three dollars per page; for the resolutions, reports, memorials of committees, printed on foolscap or similar sized paper, composed in long primer type, thirty-six ems wide and ninety-five lines in length, for the first 200 copies, $8 00 per page, and for each additional 100 copies, $4 00 per page; for all matter marked "official," and published in the official Journal, seventy-five cents per square, of the space of ten agate lines, for the first insertion, and twenty-five cents for each subsequent insertion.

*Resolved*, That the number of Journals ordered in book form be five hundred copies.

*Resolved*, That the official proceedings be published in the following additional papers, viz: *Vicksburg Republican*, and *Meridian Chronicle*.

*Resolved*, That two hundred copies of the official Journal of this Convention be published daily in pamphlet form for the use of the members, as provided for in this report.

*Resolved*, That all bills of the official printer of this Convention be audited and approved by the committee on Printing, in accordance with the rates fixed by the Convention, to be paid upon the warrants of the Convention, signed by the President and countersigned by the Secretary, out of any money not otherwise appropriated.

Respectfully,
BENJ. H. ORR,
*Chairman.*
N. J. CHAPPELL,
THOS. W. JONES,
D. N. QUINN,
J. A. MOORE,
U. OZANNE,
WM. B. GRAY,
*Committee.*

Report received, and one hundred copies ordered printed.

Mr. Parsons, of Adams, chairman of Finance Committee, submitted a report, which is as follows:

*To the President and Members of the Convention:*

Your Finance Committee, to whom was referred the resolution directing said committee to report an ordinance reducing taxes in the several counties for the year 1867, would respectfully report the following ordinance, and recommend that it be put upon its passage as soon as possible.

Respectfully,
F. PARSONS,
*Chairman.*

### AN ORDINANCE REDUCING THE TAXES IN THE SEVERAL COUNTIES FOR THE YEAR 1867.

SECTION 1. *Be it ordained by the people of the State of Mississippi, in Convention assembled*, That the Police Boards of the several counties in this State shall have no authority or power to levy or collect any tax for general or special county purposes, further than to the amount of one hundred per cent. upon the State tax for any one year.

SEC. 2. *Be it further ordained*, That this ordinance shall apply to the assessment made at the recent sessions of the Police Boards of the several counties, being the assessment for the year 1867; and the Sheriffs of the several counties are hereby enjoined from collecting a larger amount of tax for any county purpose whatever than herein specified. They are hereby directed to amend and correct their several assessment rolls, so as to correspond with this ordinance.

SEC. 3. *Be it further ordained*, That any law or part of law in controversion hereof shall be null and void from and after the passage of this ordinance.

Mr. Gibbs moved to suspend the rules so as to take immediate action on the report;

Which was adopted.

Mr. Gibbs moved that the report be received;

Which was adopted.

Mr. Townsend moved to lay on the table;

Which was lost, by the following vote:

YEAS—Messrs. Alcorn, Ballard, Beam, Chapman, Compton, Cunningham, Dalton, Dowd, Elliott John, Elliott James, Field, Gaither, Gray, Hemmingway, Howe, Hutto, Kerr, Lack, Longmire, Montgomery, Merryman, McCutchen, Neilson, Nelms, Nesbitt, Orr, Phillips, Rainey, Stricklin, Townsend, Vaughan, Walker, Watson—33.

NAYS—Messrs. Alderson, Bonney, Bridges, Brinson, Caldwell, Castello, Chappell, Clarke, Drane, Fawn, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Holland, Jacobs, Johnson A., Jones, Leas, Leonard, Mayson, Musgrove, Miles, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Newsom, Ozanne, Parsons of Adnms, Parsons of Hinds, Peyton of Hinds, Powell, Quinn, Railsback, Richardson, Smith, Stewart, Stiles, Stites, Stringer, Toy, Warren, Weir, Woodmansee, Yeoman—48.

Mr. Peyton, of Hinds, moved the previous question.

Mr. Watson called for the yeas and nays, with the following result:

YEAS—Messrs. Alderson, Bonney, Bridges, Brinson, Caldwell, Castello, Clarke, Cunningham, Drane, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Holland, Jacobs, Johnson A., Jones, Leas, Leonard, Mayson, Miles, Moore, Morgan, Mygatt, McKee, McKnight, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Powell, Quinn, Railsback, Richardson, Smith, Stewart, Stites, Stringer, Stiles, Toy, Warren, Weir, Woodmansee, Yeoman—46.

NAYS—Messrs. Alcorn, Ballard, Chappell, Compton, Dalton, Dowd, Elliott John, Elliott James, Fawn, Field, Gaither, Gray, Hemmingway, Howe, Hutto, Kerr, Lack, Longmire, Musgrove, Montgomery, McCutchen, Neilson, Nelms, Nesbitt, Orr, Phillips, Rainey, Stricklin, Townsend, Vaughan, Walker, Watson–32.

The previous question being sustained, Mr. Castello moved the adoption of the ordinance;

Which was carried, by the following vote:

YEAS—Messrs. Alderson, Bonney, Bridges, Brinson, Caldwell, Castello, Chappell, Clarke, Combash, Cunningham, Drane, Fawn, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Holland, Jacobs, Johnson A., Jones, Leas, Leonard, Mayson, Musgrove, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Newsom, Orr, Ozanne, Parsons of Adams, Parsons of Hinds, Peyton, of Hinds, Quinn, Railsback, Richardson, Smith, Stewart, Stites, Stringer, Stiles, Toy, Warren, Weir, Woodmansee, Yeoman–50.

NAYS—Messrs. Alcorn, Ballard, Beam, Chapman, Compton, Dalton, Dowd, Elliott John, Elliott James, Field, Gaither, Gray, Hemingway, Howe, Hutto, Kerr, Lack, Longmire, Montgomery, Merryman, McCutchen, Neilson, Nelms, Nesbitt, Phillips, Rainey, Stovall, Stricklin, Townsend, Vaughan, Walker, Watson—32

Mr. Townsend requested that Mr. Field be allowed permission to explain his vote;

Which was granted.

Mr. Weir, upon motion of Mr. Gibbs, was allowed to explain his vote.

Mr. Neilson requested permission for Mr. Herbert to explain his vote.

Mr. Morgan moved that the subject of explanation of votes be laid on the table;

Which was adopted.

The committee on Militia reported progress;

Whereupon the regular order of business was resumed.

Mr. Ozanne offered the following resolution:

*Resolved*, That the people of the State of Mississippi, irrespective of color, have a right, at any time, to assemble in an orderly and peaceable manner for the purpose of consulting one another upon the common good of the country, and to instruct their representatives by way of petitions or remonstrances to redress the wrongs done them, or grievances they might suffer.

Which was referred to the committee on Bill of Rights.

Mr. Stricklin offered the following:

Whereas, It is apparent that the four Pages of this Convention are unable to attend to the wants of the members; therefore, be it

*Resolved*, That the President appoint an additional Page, and others, should he deem it necessary.

Mr. Field moved to amend by substituting the word "twenty" instead of "one."

Mr. Stricklin moved to lay the amendment on the table.

Mr. Clarke moved to lay the whole subject on the table;

Which was carried.

Mr. Stricklin offered the following:

*Resolved*, That Rule No. 30 shall be so amended that it shall read as follows:

"As soon as the Journal is read and names of members called, the President shall ask if there are any reports of committees to be presented. The reports having been presented and disposed of, the President shall present for consideration the resolutions and ordinances on his table, and thereafter the introduction of resolutions, ordinances, and motions shall be in order until the President shall call the order of the day, which shall always be taken up at 12 o'clock, M."

Which was adopted.

Mr. McKee offered the following:

*Resolved*, That no resolution or ordinance shall be introduced in this Convention upon any subject upon which there shall be a standing committee.

Mr. Castello moved to lay on the table; which was carried.

Mr. Fitzhugh offered the following:

*Resolved*, That the committee on Finance be, and is hereby empowered to inquire into the disposition of all funds received by the State Treasurer, or other State officers, as donations from various cities, towns, and private individuals, in the Northern States, for the relief of the destitute of this State.

Mr. Compton moved to lay on the table;

Which was lost.

Referred to committee on Finance.

The President announced the committee to memorialize Congress in reference to the Cotton Tax, as follows:

Messrs. Leas, Elliott James, and Rainey.

The President announced the committee to confer with Gen. Gillem, in reference to staying executions, as follows:

Messrs. Stovall, Dowd, Railsback, Johnson A., and Gibbs.

The President also announced the committee of three, to confer with Gen. Gillem, in reference to transportation for refugees, etc., as follows:

Messrs. J. A Moore, Fitzhugh, and Stringer.

Unfinished business coming up for consideration, Mr. Gibbs' resolution of yesterday, in reference to memorial being sent to Congress, as reported from the majority of Special Committee appointed on that subject;

Mr. Morgan moved the previous question, which was the adoption of Mr. Gibbs' resolution to forward the majority report of the committee submitted by Mr. Barry, on yesterday, to memorialize Congress in reference to the removal of State officers, and giving to this Convention the right to act in the matter (Mr. Gibbs moving that the majority report be forwarded to the President of the U. S. Senate and Speaker of the House of Representatives).

Mr. Castello called for the yeas and nays, on the call for the previous question, which resulted as follows:

Yeas—Messrs. Alderson, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Cunningham, Drane, Fawn, Fitzhugh, Gibbs, Handy, Hauser, Holland, Jacobs, Johnson of Warren, Jones, Leas, Leonard, Mayson, Musgrove, Miles, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Newsom, Orr, Ozanne, Parsons of Adams, Parsons of Hinds, Peyton of Hinds, Powell, Quinn, Richardson, Smith, Stewart, Stiles, Stringer, Stites, Toy, Warren, Weir, Woodmansee, and Yeoman—51.

Nays—Messrs. Alcorn, Compton, Dalton, Dowd, Elliott John, Elliott James, Field, Gaither, Grey, Hemmingway, Herbert, Howe, Hutto, Kerr, Lack, Longmire, Montgomery, Merryman, McCutchen, Neilson, Nelms, Nesbitt, Phillips, Railsback, Rainey, Stovall, Townsend, Vaughan, Walker, and Watson—30.

Mr. Townsend moved to adjourn;

Which was lost.

Mr. Townsend then called for the yeas and nays on the motion to adjourn.

The President decided it as being out of order.

Mr Townsend appealed from the decision of the Chair, and the Chair was sustained.

And the previous question was carried, by the following vote:

YEAS—Messrs. Alderson, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Cunningham, Drane, Elliott James, Fawn, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Holland, Jacobs, Johnson, Jones, Leas, Leonard, Mayson, Musgrove, Miles, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Newsom, Orr, Ozanne, Parsons of Adams, Parsons of Hinds, Peyton of Hinds, Powell, Quinn, Richardson, Smith, Stewart, Stites, Stringer, Stiles, Townsend, Toy, Warren, Weir, Woodmansee, and Yeoman—54.

NAYS—Messrs. Alcorn, Ballard, Beam, Compton, Dalton, Dowd, Elliott John, Field, Gaither, Gray, Hemmingway, Howe, Hutto, Lack, Longmire, Montgomery, Merryman, McCutchen, Neilson, Nelms, Nesbitt, Phillips, Railsback, Rainey, Stovall, Vaughan, Walker, and Watson—28.

Mr. Townsend moved to reconsider.

Mr. Castello moved to lay the motion to reconsider on the table.

Mr. Townsend called for the yeas and nays.

The Chair decided Mr. Tomnsend's call out of order.

Mr. Townsend appealed from the decision of the Chair, and the Chair was sustained, by the following vote:

YEAS—Messrs. Alderson, Ballard, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Cunningham, Drane, Elliot James, Fawn, Field, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Holland, Jacobs, Jones, Lack, Leas, Leonard, Mayson, Musgrove, Miles, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Newsom, Orr, Ozanne, Parsons of Adams, Parsons of Hinds, Peyton of Hinds, Quinn, Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stovall, Stiles, Toy, Vaughan, Warren, Weir, Williams, Woodmansee, and Yeoman—59.

NAYS—Messrs. Alcorn, Compton, Dalton, Gaither, Gray, Hemmingway, Howe, Kerr, Montgomery, Merryman, McCutchen, Neilson, Nesbitt, Phillips, Townsend, Walker, and Watson—17.

Special order No. 5 coming up, being an ordinance in regard to the State assuming the debts incurred on account of liberation of slaves, etc.,

Article 1 was read and adopted.

Article 2 was read and adopted.

Article 3 was read and adopted.

Mr. Compton moved to indefinitely postpone.

Mr. Orr moved to lay Mr. Compton's motion on the table.

And on that motion Mr. Compton called for the yeas and nays, which resulted as follows:

YEAS—Messrs. Alderson, Bridges, Brinson, Caldwel, Castello, Chapman, Clarke, Cunningham, Drane, Elliot James, Fawn, Field, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Holland, Howe, Hutto, Jacobs, Jones, Leas, Leonard, Mayson, Musgrove, Montgomery, Miles, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Neilson, Newsom, Orr, Ozanne, Parsons of Adams, Parsons of Hinds, Peyton of Hinds, Powell, Quinn, Railsback, Rainey, Richardson, Smith, Stewart, Stites, Townsend, Toy, Vaughan, Weir, Williams, Woodmansee, and Yeoman—56.

NAYS—Messrs. Alcorn, Compton, Dalton, Gaither, Gray, Kerr, Merryman, Nelms, Phillips, Stovall, Stricklin, Watson, and Warren—13.

Mr. McKee moved to strike out the words "since the year A. D. 1861;"

Which was adopted.

Question recurring on article 3, as amended, it was adopted.

Mr. Field moved to strike out article 4.

Mr. Orr moved to lay Mr. Field's motion on the table;

Which was lost.

Mr. McKee moved to amend.

The Chair decided Mr. McKee out of order.

Mr. McKee appealed from the decision of the Chair, and the Chair was sustained.

And the motion of Mr. Field was adopted, viz: to strike out article 4, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Ballard, Beam, Bonney, Brinson, Caldwell, Chapman, Chappell, Compton, Cunningham, Dalton, Dowd, Drane, Elliott John, Elliott James, Fawn, Field, Fitzhugh, Gaither, Gray, Handy, Hauser, Hemmingway, Herbert, Holland, Howe, Hutto, Jones, Kerr, Lack, Leas, Leonard, Longmire, Musgrove, Montgomery, Miles, Merryman, Moore, Morgan, Mygatt, McKee, Neilson, Nelms, Newsom, Parsons of Adams, Parsons of Hinds, Peyton of Hinds, Quinn, Railsback, Rainey, Richardson, Stewart, Stites, Stovall, Stricklin, Vaughan, Walker, Watson, Warren, Woodmansee, and Yeoman—63.

NAYS—Messrs. Bridges, Castello, Jacobs, Mayson, McKnight, Orr, Ozanne, Smith, Stiles, Weir, and Williams—11.

And the ordinance was then put upon its third reading, and adopted as amended.

Mr. Clarke moved to adjourn; which was lost.

Ordinance No. 5, coming up for consideration, and by its title, was passed to its third reading; and is as follows:

An Ordinance providing for the levying and collection of a tax to defray the expenses of this Convention, and for other purposes.

On motion of Mr. Castello, the ordinance was put upon its third reoding, by sections.

Section 1 was read and adopted.

Section 2 was read and adopted.

Section 3 was read, and upon motion of Mr. Townsend, the words, "upon each jewelry store," in the fifteenth line, were stricken out.

Upon motion of Mr. Alderson, the word "exclusively," in the sixth line, was stricken out.

Mr. Gibbs moved after "for," in sixth line, to insert "sale or;" which was adopted.

Mr. Morgan moved to strike out "and," in fifth line, and insert "or;"

Which was adopted.

And section 3, as amended, was adopted.

Section 4, was amended by striking out "or," in the fifth line.

Mr. Stricklin moved to amend by inserting after the word "house," in ninth line, the words "except railroad eating houses;"

Which was laid on the table.

And the 4th section, as amended, was adopted.

Section 5 was so amended, that the word "one," in second line, be changed to "two."

Mr. Stricklin offered the following:

After the word "liquors," in the sixth line, insert "and twenty-five dollars" upon each patronizer of distilleries in this State, directly or indirectly;"

Which was laid on the table.

Mr. Hauser moved to add "public sale," in sixth line, after the word "liquors;"

Which was lost.

Mr. Weir moved to add "for sale," after "liquor," in sixth line;"

Which was laid on the table.

And section 5 was adopted, as amended.

Mr. Alderson moved that when the Convention adjourn, it meet at 3 o'clock, P. M;"

Which was adopted.

The Convention adjourned to meet at 3 o'clock, P. M.

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

Quorum present.

Mr. McKee moved to amend section 6 as follows:

*Be it further ordained*, That a special tax of $100 be and the same is hereby levied upon each and every bank, banking establishment, broker or dealer in money, exchange, bonds or notes, and that any person doing business in the streets, highways or other places, shall be considered as a broker, and liable for the tax as provided for in this section.

Which was adopted as a substitute for section 6.

Mr. Stricklin moved to insert, after the word "an," in section 7, the following proviso:

"*Provided*, That this section shall not apply to this Convention, which is known to be a general generating and manufacturing gas company;

Which was laid on the table.

Mr. Field moved to insert "$50," instead of "$100," in section 7;

Which was adopted.

Section 7 was adopted as amended.

Mr. Field moved to erase section 8; which was laid on the table.

And the section was adopted as read.

Section 9 was adopted.

Section 10 was adopted.

Section 11 was adopted.

Mr. Mygatt moved to amend section 12 by striking out "Grand Gulf and Port Gibson Railroad;"

Which was lost.

Mr. Gibbs moved to amend by striking out "Bayou Sara and Woodville Railroad," and inserting "West Feliciana;"

Which was adopted.

Mr. Fitzhugh moved to insert "$50," instead of "$25," in the twenty-fifth line;

Which was adopted.

Section 12 was further amended by striking out all after the word "Mississippi," in the eleventh line, to the word "Mississippi" inclusive, in the fourteenth line, and insert the words "$50, to be assessed upon the Memphis and Charleston Road, to be collected at Corinth, Mississippi."

Mr. Mygatt moved to insert "Vicksburg," for "Jackson," in the eighth line; which was lost.

Section 12 was then adopted as amended.

Section 13 was adopted.

Section 14 was adopted.

Mr. Morgan moved to amend section 15 by substituting "charter," for "other," in the ninth line;

Which was adopted.

Section 15 was then adopted as amended.

Mr. Chappell moved to strike out section 16;

Which was laid on the table.

Mr. Castello moved to adopt section 16.

The yeas and nays were called, and the section was then adopted by the following vote:

Yeas—Messrs. Alderson, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Combash, Drane, Field, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Hutto, Johnson S., Jones, Lack, Leas, Mayson, Musgrove, Moore, Morgan, Myers, Orr, Ozanne, Parsons of Adams, Parsons of Hinds, Peyton of Hinds, Powell, Quinn, Railsback, Smith, Stewart, Stites, Stovall, Stricklin, Toy, Weir, and Williams—41.

Nays—Messrs. Alcorn, Chappell, Clarke, Compton, Dalton, Dowd, Elliott James, Fawn, Gaither, Goss, Gray, Hemmingway, Holland, Howe, Kerr, Longmire, Montgomery, Merryman, Mygatt, McCutchen, McKnight, Neilson, Nelms, Nesbitt, Phillips, Rainey, Richardson, Stiles, Townsend, Vaughan, Walker, and Warren—32.

Mr. Clarke moved to strike out all after the word "Convention" in the second line, to "shall" in fourth line of section 17;

Which was laid on the table.

Mr. Townsend moved to insert "three" in sixteenth line, instead of "five."

Which was laid on the table.

Mr. Stiles moved to strike out the words after "office" in the tenth line, to "which" in the twelfth line, and insert "taken by officers and members of this Convention."

Mr. Hauser moved to lay on the table.

The yeas and nays being called for, resulted as follows:

YEAS—Messrs. Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Hauser, Herbert, Holland, Jones, Leas, Leonard, Mayson, Musgrove, Moore, Morgan, Mygatt, McKnight, Orr, Ozanne, Parsons of Adams, Parsons of Hinds, Quinn, Smith, Stewart, and Weir—26.

NAYS—Messrs. Alderson, Alcorn, Ballard, Beam, Clarke, Combash, Compton, Dalton, Dowd, Drane, Elliott John, Elliott James, Fawn, Field, Gaither, Gibbs, Goss, Gray, Handy, Hemmingway, Howe, Hutto, Johnson S, Kerr, Lack, Longmire, Montgomery, Miles, Merryman, Myers, McCutchen, Nelson, Nelms, Nesbitt, Peyton of Hinds, Phillips, Rainey, Richardson, Stiles, Stovall, Stricklin, Stites, Townsend, Toy, Vaughan, Walker, Warner, Williams, and Yeoman—49.

Mr. Alderson moved to reconsider the vote to lay on the table;

Which was carried.

And the motion to adjourn was lost.

The yeas and nays being called on the motion to lay on the table, resulted as follows:

YEAS—Messrs. Alderson, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Clarke, Combash, Drane, Fawn, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Jones, Leas, Leonard, Mayson, Musgrove, Miles, Moore, Morgan, Myers, Mygatt, McKnight, Orr, Ozanne, Parsons of Adams, Parson of Hinds, Peyton, of Hinds, Powell, Quinn, Railsback, Smith, Stewart, Stites, Toy, Warren, Weir, Williams, and Yeoman—43.

NAYS—Messrs. Beam, Compton, Dalton, Dowd, Elliott James, Field, Gaither, Goss, Grey, Hemmingway, Howe, Hutto, Johnson S., Kerr, Lack, Montgomery, Merryman, McCutchen, Neilson, Nelms, Nesbitt, Phillips, Rainey, Richardson, Stovall, Stricklin, Stiles, and Townsend—28.

And the Convention adjourned until to-morrow morning, at 10 o'clock.

T. P. SEARS,
*Secretary.*

## SIXTEENTH DAY.

JACKSON, MISS., Friday, January 24th, 1868.

Convention met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Messrs. Alderson, Ballard, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Clarke, Combash, Compton, Conley, Cunningham, Dalton, Dowd, Elliott John, Elliott James, Fawn, Field, Fitzhugh, Gibbs, Goss, Gray, Hauser, Hemmingway, Herbert, Holland, Howe, Hutto, Jacobs, Johnson, Jones, Kerr, Leas, Leonard, Mayson, Mask, Musgrove, Montgomery, Moore, Morgan, Myers, Mygatt, McCutchen, McKee, McKnight, Neilson, Nelms, Nesbitt, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton, Phillips, Powell, Quinn, Railsback, Rainey, Richardson, Smith, Stewart, Stiles, Stovall, Stricklin, Stites, Toy, Vaughan, Warren, Weir, Williams, Woodmansee, and Yeoman.

Quorum present.

The Journal of yesterday was read and approved.

The President called for reports from standing committees.

Committee on General Provisions reported progress.

Committee on Printing reported progress.

Committee on Finance reported progress.

Committee on Public Education reported progress.

The reports of select committees being called for, the committee appointed to investigate Governor Humphreys' proclamation in reference to disturbances, etc., submitted a report.

Mr. McKee moved that the report be recommitted to the committee, with instructions to report more fully.

And on that motion, the yeas and nays were called, with the following result:

Yeas—Messrs. Alderson, Alcorn, Bonney, Bridges, Castello, Chapman, Clarke, Drane, Fawn, Fitzhugh, Gibbs, Handy, Hemmingway, Herbert, Holland, Jacobs, Leas, Leonard, Musgrove, Miles, Moore, Morgan, Mygatt, McKee, McKnight, Newsom, Orr, Ozanne, Parsons of Adams, Parsons of Hinds, Richardson, Smith, Quinn, Stewart, Stites, Toy, Warren, Williams, Woodmansee, and Yeoman—40.

Nays—Messrs. Ballard, Beam, Brinson, Caldwell, Compton, Cunningham, Conley, Dalton, Dowd, Elliott of Itawamba, Elliott of Monroe, Field, Gaither, Gray, Howe, Hutto, Johnson S., Jones, Kerr, Longmire, Mayson, Montgomery, Merryman, McCutchen, Neilson, Nelms, Nesbitt, Peyton of Hinds, Phillips, Railsback, Rainey, Stovall, Stiles, Townsend, Vaughan, Walker, and Watson—37.

And the committee's report was referred back to the committee for reconsideration and action.

Reports of committees lying over being under consideration, the committee's report in reference to Mr. Stricklin, was adopted.

Unfinished business of yesterday being in order, which was the consideration of ordinance in reference to finance.

Mr. Clarke moved the adoption of section 17, as presented;

Which was carried.

Section 18 was adopted.

Mr. Alderson moved a reconsideration; which was carried.

Mr. Neilson moved to amend by striking out "five," in the fifth line and inserting "thirty," and striking out three, in the twenty-first line, and inserting "thirty."

Mr. Morgan moved to amend by inserting "ten" instead of "five," in the fifth line.

Mr. Morgan moved to lay all amendments on the table;

Which was carried.

And section 18 was then adopted.

Mr. Morgan moved to proceed to consider the balance of the ordinance and adopt it as a whole.

Mr. Clarke moved to lay the motion on the table;

Which was carried.

Section 19:

Mr. Townsend moved to strike out after the word "paid" in the seventh line to the word "provided" in the seventeenth line;

Which was laid on the table.

Section 19 was then adopted.

Section 20:

Mr. Field offered an amendment, as follows:

To insert for the word "treasurer" the word "bank" where it occurs in the section;

Which was laid on the table.

Section 20 was then adopted.

Section 21:

Mr. Parsons, of Adams, moved to add "and fourteen" after "one" in the ninth line;

Which was adopted.

Leave of absence was granted to Mr. Stovall for one week; to Mr. Howe for four days; to Mr. Quinn for two days; to Mr. Johnson, of Warren, for ten days.

Section 21 was then adopted as amended.

Section 22:

Mr. Howe moved to amend section 22 by striking out from tenth and eleventh lines "one per cent. of all moneys received and disbursed by him;"

Which was adopted.

Mr. Clarke moved further, "that he shall file a bond, with the President of the Convention, for the faithful performance of his duties, in the sum of thirty thousand dollars."

Mr. Hauser moved to lay the motion on the table;

Which was lost, and the original motion was adopted.

Mr. Ozanne offered the following:

After the word "Convention," in the third line, add "any member of this Convention can be elected to said position; *Provided*, That he will not receive any compensation for such service."

Pending which, the Convention adjourned until 3 o'clock, P. M., with the agreement to exclusively devote the afternoon session to the consideration of the Finance ordinance.

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

Mr. Castello moved that the bond of the Treasurer shall be ten thousand dollars, to be approved by the majority of the Convention.

On motion of Mr. Townsend, section 22 was adopted as already amended, and no action was taken on the amendments of Mr. Castello and Mr. Ozanne.

Mr. Ozanne moved a reconsideration of the vote on the adoption of Section 22;

Which was lost.

Section 23 was adopted as read.

Section 24 was adopted as read.

Section 25:

Mr. Orr moved to amend, by striking out all after "Convention," in the fifth line;

Which was laid on the table.

Mr. Cunningham moved to strike out "disposed of by the Convention before its final adjournment,"and insert after "be" in fourth line, "placed on deposit;"

Which was lost.

By Mr. McKee: After the word "be," in the fourth line, insert "invested in U. S. securities, at the market value, which securities shall be held subject to the order of the next Legislature, at its regular meeting; *Provided*, If this Convention shall be again called together, in that case the securities shall be held subject to order of the Convention;

Whith was adopted.

And section 25 was adopted as amended.

Section 26:

By Mr. Neilson: Amend by inserting after the word "Convention," in the third line, " shall first enter into bond, with approved security, each Collector, in the sum of $10,000, and the Treasurer in the sum of $100,000; the Collectors' bonds to be approved by the Circuit Clerk of each county, and made payable to the Military Commander of the Fourth Military District. The Treasurer's bond in the penalty of $100,000, payable as above, and approved by the President of this Convention.

Which was laid on the table.

Section 26 was adopted as read.

Section 27:

Mr. Phillips moved to strike out all after the word "assessed," in the fifth line to the word "for," in the seventh line; and to conclude "and the tax receipts issued by the Collectors appointed under this ordinance, shall be receivable in payment of the tax of fifty per cent. herein levied."

Which was laid on the table.

Mr. Weir moved that "of," in the sixth line, be stricken out, and "in" inserted."

Which was adopted.

Mr. Neilson moved to amend, by striking out "fifty" and inserting "two hundred."

Which was laid on the table.

Mr. Cunningham moved to strike out all after "1867" in the seventh line, and insert "thirty" for "fifty" in the second line.

Mr. Compton moved to lay the section and amendment on the table.

Mr. Fitzhugh moved to add after the word "sent," in the hird line, the words "to pay the expenses of this Convention;"

Which was lost.

Mr. Neilson moved to amend by striking out "50," in the second line, and inserting "150;"

Which was laid on the table.

Mr. Compton moved to adjourn;

Which was lost.

Mr. Castello moved to lay Mr. Cunningham's amendment on the table;

Which was carried.

Mr. Morgan moved to insert "33⅓," in the second line, instead of "50;"

Which was adopted.

Section 27 was adopted, as amended.

Section 28:

Mr. Beam moved that the word "Sheriffs," be stricken out, and the word "Collectors" inserted in the fifth line, and for the words in the eighth line, "now in force in this State," insert "prescribed by this Convention;"

Which was laid on the table.

Mr. Compton moved to lay section 28 on the table:

Which was lost.

And section 28 was adopted.

Section 29 was adopted.

Section 30 was adopted.

Section 31 was adopted.

Section 32 was adopted.

Section 33 was adopted.

Sections 34, 35, and 36, offered by Mr. Parsons as additional sections, were read three times and passed. They read as follows:

SECTION 34. *Be it further ordained*, That a special tax of ten dollars be and the same is hereby levied upon each and every billiard table in this State on the first day of January, 1868.

SEC. 35. *Be it further ordained*, That a special tax of twenty-five dollars be and the same is hereby levied upon every photograph gallery.

SEC. 36. *Be it further ordained*, That a special tax of five dollars be and the same is hereby levied upon each and every agency of each insurance company doing business in this State.

The ordinance, as amended, was then adopted as a whole.

Mr. Orr moved to reconsider the vote on adoption as a whole.

Mr. Alderson moved to lay the motion to reconsider on the table;

Which was carried.

The Convention adjourned until to-morrow morning, at 10 o'clock.

T. P. Sears,
*Secretary.*

## SEVENTEENTH DAY.

Jackson, Miss., Saturday, January 25th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Clarke, Combash, Compton, Conley, Dalton, Dowd, Drane, Elliott, Fawn, Field, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Hemmingway, Herbert, Holland, Hutto, Jacobs, Johnson, Lack, Leas, Leonard, Longmire, Musgrove, Miles, Merryman, Moore, Myers, Mygatt, McCutchen, McKnight, Nelms, Nesbitt, Orr, Ozanne, Parsons of Hinds, Peyton, Phillips, Powell, Railsback, Rainey, Richardson, Smith, Stewart, Stiles, Stites, Toy, Vaughan, Walker, Warren, Weir, Williams, and Yeoman—67.

The following members were absent:

Messrs. Barry, Chappell, Collins, Elliott, Fitzhugh, Howe, Jamison, Johnson A., Jones, Kerr, Lawson, Mayson, Mask, Morgan, McKee, Neilson, Newsom, Parsons Fred., Peyton E. G., Quinn, Stovall, Stricklin, Stringer, Townsend, Watson, and Woodmansee—26.

Journal of yesterday read and approved.

Reports of standing committees being in order, the committee on Printing, through its chairman, reported progress.

Resolutions lying over being next in order, Mr. Morgan's report on Relief came up.

Mr. Clarke moved its adoption.

Mr. Gaither offered an amendment, which is as follows:

"That all poll-tax for the year 1867 be suspended;"

Which was laid on the table.

Mr. Hauser moved to recommit to the committee, with instructions to report again; and called for the previous question, which was sustained; and the report was recommitted.

The ordinance in reference to publishing the proceedings in certain newspapers came up for its third reading.

Mr. Orr moved to substitute the report of the committee on Printing, and make it the special order for to-day at 12 o'clock.

Mr. Gibbs moved to lay the ordinance and substitute on the table, and that it be taken up to-day at 12 o'clock;

Which was carried.

The report of the committee on Bill of Rights being next in order, it was read a first time, and on motion it lies over one day for a second reading.

The resolution of Mr. Alderson, chairman of the committee on Destitution, being called for, it was read for the information of the Convention.

Mr. Clarke moved to postpone until Tuesday next at 12 o'clock;

Which was carried.

Mr. Clarke moved to suspend the rules in order to go into the election of Treasurer;

Which was carried.

Mr. Cunningham moved that the President appoint two tellers, and that the Convention proceed to elect by ballot;

Which was adopted.

Messrs. Cunningham and Stiles were appointed tellers.

The following vote was cast:

| | | |
|---|---|---|
| For Mr. Parsons, of Adams | 42 | votes. |
| For Mr. Stricklin | 1 | " |
| For Mr. Jamison | 22 | " |
| For Mr. Myers | 1 | " |
| For Mr. Combash | 1 | " |
| For Mr. S. Johnson | 1 | " |
| For Mr. Stites | 4 | " |
| For Mr. Mayson | 1 | " |
| Total vote cast | 75 | |
| Necessary for a choice | 38 | |

Mr. Parsons, of Adams, having received a majority of all the votes cast, was declared by the President duly elected Treasurer of this Convention.

Mr. Orr moved that Mr. Parsons be declared unanimously elected Treasurer of the Convention;

Which was adopted.

Mr. Castello moved to suspend the rules so as to proceed to the election of Collectors, where delegates were ready to report the names of suitable persons for the position of Collectors in the several counties;

Which was carried.

The following named persons were recommended by the delegates as Collectors for the counties as stated below:

| Names of Persons recommended. | Counties. | By whom. |
|---|---|---|
| L. D. Allen | Adams | Delegation. |
| Reuben Fox | Amite | C. P. Neilson. |
| J. C. Lucas | Attala | S. C. Conley. |
| Col. J. R. Webster | Bolivar | J. Railsback. |
| J. W. Andrews | Claiborne | Delegation. |
| Marius Grunsberger | Coahoma | A. S. Dowd. |
| W. J. Woddell | Carroll | Delegation. |
| Major O. J. Smith | Clarke | H. Musgrove. |
| John Hamilton | Copiah | E. Handy. |
| Joseph Rogers | DeSoto | Delegation. |
| C. N. Waterbury | Franklin | C. W. Beam. |
| C. H. Weston | Holmes | Delegation. |
| J. V. Thomas | Itawamba | John Elliott. |
| E. Dansby | Jasper | W V McKnight |
| D. C. Kearns | Jefferson | Delegation. |
| A. J. Lee | Kemper | J. Hauser. |
| Capt. A. Stone | Lauderdale | J. A. Moore. |
| B. S. Trice | Lee | Delegation. |
| Dr. Isaac N. Duncan | Lafayette | Delegation. |
| B. P. Crabb | Leake | H. W. Warren. |
| Hubbard Boggan | Marshall | Dr. Compton. |
| R. Gamble | Neshoba | W. A. Hutto. |
| Carolinas Boyd | Newton | E. G. Longmire |
| L. B. F. Vick | Oktibbeha | Delegation. |
| J. S. Paxton | Choctaw | Delegation. |
| T. V. Smith | Pike | P. Bonney. |
| S. J. Proctor | Rankin | Delegation. |
| R. Gunn | Scott | M. H. Lack. |
| V. Sheppard | Tippah | Delegation. |
| W. Walker | Tishomingo | T. Dalton. |
| A. D. Carlyle | Wayne | Wm. Yeoman. |
| W. L. Jarvis | Warren | Delegation. |
| John Hannay | Washington | Delegation. |
| J. J. Cage | Wilkinson | Delegation. |
| C. C. Hudson | Winston | J. Richardson. |

Mr. Alderson offered the following resolution:

*Resolved*, That no delegate or delegates recommending a Collector to this Convention for his or their county, shall receive any compensation for his or their services in said Convention until a sufficient amount of money be collected in said county to pay said services; *Provided*, That, on investigation, it be found that said Collector is an incompetent or irresponsible person.

Mr. Castello offered the following amendment:

*Resolved*, That the delegates of this Convention be paid out of the money collected from their respective counties.

Which was laid on the table.

A motion to lay the original resolution on the table, was lost.

Mr. Compton offered the following amendment:

*Provided*, That no Collector shall be appointed for any county, unless the delegates shall recommend the one so appointed.

Which was carried.

Mr. Phillips introduced the following:

*Resolved*, That the delegates look to the Board of Police of their respective counties for their pay.

Which was laid on the table.

Previous question called, and the resolution of Mr. Alderson as amended was adopted.

Mr. Orr moved to elect all persons recommended, by acclamation.

Mr. Fitzhugh moved to lay on the table;

Which was adopted.

The yeas and nays being called for on the confirmation of the nomination of R. Fox, as Collector for Amite county, resulted as follows:

Yeas—Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Caldwell, Castello, Clarke, Combash, Compton, Conley, Cunningham, Dalton, Field, Gaither, Hemmingway, Hutto, Johnson S., Lack, Leas, Musgrove, Montgomery, Merryman, Mygatt, McCutchen, Neilson, Nelms, Nesbitt, Newsom, Orr, Ozanne, Phillips, Rainey, Richardson, Smith, Stricklin, Stiles, Townsend, Vaughan, Walker, Weir, Williams, and Woodmansee—44.

Nays—Messrs. Bridges, Brinson, Chapman, Dowd, Drane, Elliott John, Fawn, Fitzhugh, Gibbs, Goss, Handy, Hauser, Herbert, Holland, Jacobs, Leonard, Longmire, Mayson, Miles, Moore, Morgan, Myers, McKnight, Parsons J. R., Peyton E. A., Railsback, Stewart, Stites, Toy, Warren, and Yeoman—31.

All of the nominations by the respective delegates of persons for positions as Collector, were considered by the Convention, and the same elected. except Hubbard Boggan, of Marshall, made by Mr. Compton, whose nomination was rejected.

Mr. Townsend, of Marshall, nominated W. L. Jones, of Holly Springs.

The nomination being considered by the Convention, was confirmed.

J. E. G. Smith was appointed by the President, Clerk for the Military and Executive Committees.

Mr. Castello offered the following:

*Resolved*, That there be five thousand copies of the ordinance reducing taxes for the year 1867, and the ordinance providing for the levy and collection of a tax to defray the expenses of this Convention, printed in pamphlet form for the information of the people.

Which was adopted.

Convention adjourned until Monday morning, at 10 o'clock.

T. P. Sears,  
*Secretary.*

## EIGHTEENTH DAY.

JACKSON, MISS., Monday, January 27th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Conley, Cunningham, Dalton, Dowd, Drane, Elliott John, Elliott James, Fawn, Field, Fitzhugh, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Herbert, Holland, Hutto, Jacobs, Johnson S., Johnson A., Lack, Leas, Leonard, Longmire, Mayson, Musgrove, Montgomery, Miles, Merryman, Morgan, Myers, Mygatt, McCutchen, McKee, McKnight, Nelms, Nesbitt, Newsom, Orr, Ozanne, Parsons of Hinds, Parsons of Adams, Peyton of Hinds, Phillips, Powell, Railsback, Rainey, Richardson, Smith, Stewart, Stiles, Stricklin, Stringer, Stites, Toy, Townsend, Vaughan, Warren, Weir, Woodmansee, and Yeoman—76.

The following delegates were absent:

Messrs. Brinson, Collins, Hemmingway, Howe, Jamison, Jones, Kerr, Lawson, Mask, Moore, Nelms, Peyton of Copiah, Quinn, Stovall, Walker, Watson, and Williams—17.

Journal of Saturday was read and approved.

Reports of standing committees being in order, the committee on Enrollment made the following report, through their chairman, Mr. Weir:

*To the President and Members of the Constitutional Convention of the State of Mississippi:*

Your committee on Enrollment have this day examined ordinances one, two, and three, and have instructed me to report that they find them correctly enrolled.

JAMES WEIR,
*Chairman.*

Committee on Printing reported progress.

Committee on Education reported progress.

The committee on Bill of Rights reported the following as additional sections to their original report:

SEC. 32. The first Legislature, at the first session thereof, shall pass such laws as may be necessary to afford uniform and equal relief to debtors, without distinction as to persons and amount, not inconsistent with the constitution and laws of the United States.

SEC. 33. The right to peaceably withdraw from the Union, on account of any real or supposed grievances, shall never be assumed by this State.

SEC. 34. The first session of the next Legislature shall establish a system of free common schools, and to this end shall district each county, and make provision for the support of schools in each district.

Sec. 35. Whenever a vacant lot or lots are wanted to erect suitable buildings for schools, titles shall be given by the owner or owners thereof, and he or they shall accept the award of three commissioners, whose appointment shall be regulated by law. No Legislature shall amend or evade any section in this Bill of Rights.

Report received, and 100 copies ordered to be printed.

Mr. Ozanne, chairman of the committee on Contingent Expenses, made the following report:

Mr. President: Your committee on Contingent Expenses, would respectfully report that they have examined the following accounts which have been referred to them, and believe they are correct, and recommend that they be allowed:

| | |
|---|---|
| Eyrich & Co. | $4 60 |
| " " | 5 04 |
| D. McA. Williams | 51 75 |
| Eyrich & Co. | 6 50 |
| D. McA. Williams | 25 75 |

Respectfully,
U. Ozanne, *Chairman.*
Jehiel Railsback,
W. H. Gibbs,
S. C. Conley,
J. C. Brinson.

Constitutional Convention bought of Eyrich & Co., through T. P. Sears:

| | |
|---|---|
| Mucilage | $ 75 |
| Letter paper | 1 00 |
| Three blank books | 2 25 |
| One quire legal cap | 60 |
| Total | $4 60 |

Received payment, Eyrich & Co.

The Constitutional Convention bought of Eyrich & Co., through A. W. Patterson:

| | |
|---|---|
| One quire legal cap | $ 60 |
| " " " | 50 |
| One box paper fasteners | 60 |
| One box pens | 25 |
| Four pencils | 40 |
| Two quires legal cap | 1 20 |
| Two quires letter paper | 1 00 |
| Postage | 49 |
| Total | $5 04 |

Received payment, Eyrich & Co.

Constitutional Convention to D. McA. Williams:

| | |
|---|---|
| To expenses incurred in going to and returning from New Orleans, to procure stationery for said Convention | $51 75 |

Constitutional Convention bought of Eyrich & Co.:

| | |
|---|---|
| Three rulers | $6 50 |

Constitutional Convention bought of H. D. McGinnis, through D. McA. Williams:

| | |
|---|---|
| One six quire memorandum book for Journal of the Constitutional Convention of the State of Mississippi | $25 00 |
| Express charges on same | 75 |
| Total | $25 75 |

Report received and allowed.

The consideration of an ordinance in reference to publishing the proceedings of the Convention in certain papers therein named, being in order, passed a third reading, and is as follows:

### AN ORDINANCE IN REFERENCE TO THE PUBLICATION OF PROCEEDINGS OF THIS CONVENTION.

SECTION 1. *Be it ordained by the people of the State of Mississippi, in Covention assembled,* That it shall be the duty of the Secretary of this Convention to furnish copies of the proceedings of each day's session thereof to the *Vicksburg Republican,* *Meridian Chronicle,* and *Mississippi State Journal,* for publication in said papers, for the information of the people of the State.

SEC. 2. *Be it further ordained,* That copies of each day's proceedings of the Convention, all ordinances adopted and the new Constitution of the State of Mississippi, shall be published in said newspapers, and they shall be allowed to charge for said publications the sum of fifty cents per square of eight lines.

SEC. 3. *Be it further ordained,* That during the session of said Convention, one hundred copies each of the *Vicksburg Republican* and *Meridian Chronicle,* shall be furnished for the use of said Convention.

Which was adopted.

On motion of Mr. Clarke, of Yazoo, the Convention resolved itself into a Committee of the Whole, Mr. Weir, of Octibbeha, in the Chair, upon the report of the committee on the Bill of Rights, and after certain amendments had therein, the committee rose, reported progress and asked leave to sit again.

The consideration of the majority report upon compensation of members and officers, coming up, being the same as submitted by Mr. Mygatt, the Chairman of the committee, on the 13th of January, which is as follows:

| | |
|---|---|
| Giving to President per diem | $20 00 |
| Members each | 10 00 |
| Reporter | 15 00 |
| Secretary | 15 00 |
| Assistant Secretaries each | 10 00 |
| Sergeant-at-Arms | 10 00 |
| Assistant Sergeant-at-Arms | 5 00 |
| Chaplain | 10 00 |
| Postmaster | 8 00 |
| Doorkeeper | 5 00 |
| Hall Porter | 4 00 |
| Pages each | 2 50 |

Mileage for members, forty cents per mile.

(Signed) A. Mygatt,
*Chairman.*

Mr. Hauser moved to adopt the report.

Mr. Townsend moved to adopt minority report of the committee.

Mr. Weir moved to adopt majority report item by item;

Which was laid on the table.

Mr. Fitzhugh moved the previous question, upon which the yeas and nays were called, with the following result:

Yeas—Messrs. Alderson, Barry, Bonney, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Drane, Elliott James, Fawn, Field, Fitzhugh, Gibbs, Goss, Handy, Hauser, Herbert, Jacobs, Johnson A., Lack, Leas, Leonard, Mayson, Myers, Mygatt, McKnight, Newsom, Orr, Ozanne, Parsons of Adams, Parsons of Hinds, Peyton of Hinds, Powell, Railsback, Richardson, Smith, Stewart, Stites, Stringer, Stiles, Toy, Vaughan, Woodmansee, Yeoman—47.

Nays—Messrs. Alcorn, Ballard, Beam, Bridges, Compton, Dalton, Dowd, Elliott John, Gaither, Hemmingway, Holland, Hutto, Johnson S., Musgrove, Montgomery, Morgan, McClutchen, McKee, Nelms, Phillips, Rainey, Stricklin, Townsend, Walker, Watson, Warren, Weir, Williams—29.

And the majority report was adopted.

Mr. Collins was granted leave of absence for ten days.

Mr. Gibbs moved to reconsider the vote adopting majority report on compensation.

Mr. Clarke moved to table;

Which was carried.

The consideration of the report on printing coming up, Mr. Chapman moved to reject the report;

Which was laid on the table.

Mr. Fitzhugh moved to consider the report by sections.

Mr. Gibbs moved to amend by making the report the special order for January 30, 1868;

Which was adopted.

Mr. Vaughan offered the following resolution:

*Resolved,* As soon as it be ascertained that any person elected to collect the taxes levied cannot take the oath and qualify as required under the section creating said office, it shall be the duty of the President of this Convention forthwith to appoint a person to fill the vacancy.

Which was adopted.

By Mr. Leas:

*Resolved*, That the letter of Gen. Gillem to Mr. Orr, chairman of special committee, be placed on the record.

Which was lost.

Mr. Orr then offered the following:

*To the Honorable President and gentlemen of the Constitutional Convention of the State of Misssissippi:*

The undersigned, chairman of the committee on Printing, respectfully tenders his resignation of the same, and asks that the same be accepted.

(Signed) BENJ. H. ORR.

Which was laid on the table.

Mr. Musgrove moved that when the Convention adjourn it be to meet at 4 o'clock, P. M.;

Which was carried.

And the Convention adjourned.

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

The nominations of Collectors being in order,

Mr. Goss recommended Mr. W. H. B. Lane as Collector for the counties of Hancock and Marion.

The Convention acting, he was elected.

Messrs. Parsons and Peyton, of Hinds, recommended Mr. Reese Hatcher as Collector for their county.

Messrs. Mayson and Caldwell recommended A. G. Daskam, of Hinds, as Collector.

Mr. Castello moved to proceed to elect by ballot the Tax Collector for Hinds county;

Which was carried.

The President appointed Messrs. Stites and Yeoman tellers.

The ballot was as follows:

| | |
|---|---|
| Mr. Reese Hatcher received | 52 votes. |
| Mr. A. G. Daskam received | 13 votes. |

Mr. Hatcher having received a majority of all the votes cast, was declared elected as Collector for Hinds county.

Mr. H. P. Toy recommended John Handly as Collector for Issaquena county, in connection with his duty as Collector for Washington county;

Who was elected.

Mr. Cunningham recommended J. B. Richardson as Collector for Madison county;

Who was elected.

The delegation from Monroe recommended J. B. Goodloe, of Aberdeen, as Collector for Monroe county;

Who was elected.

Messrs. Chappell and Stewart recommended Mr. S. H. Powell as Collector for Noxubee county;

Who was elected.

Mr. Phillips recommended Mr. Isaac Boatman as Collector for Tunica county;

Who was elected.

The delegation from Yazoo recommended Captain S. G. Bedwell;

Who was elected.

Henry J. Orr was elected Collector for the counties of Harrison and Jackson.

Mr. Vaughan offered the following:

*Be it resolved*, That the President of this Convention appoint Collectors for the counties which are not represented in this Convention, and wherein no recommendations have been made.

Mr. Stricklin offered the following:

WHEREAS, A resolution has been adopted by this Convention declaring that one of its members, Dr. W. M. Compton, had violated the spirit of his registration oath by submitting to this body a minority report upon compensation, announcing as his belief that the military reconstruction bills are unconstitutional, and that this Assembly is unlawfully convened; and

*Whereas*, There are other delegates on this floor who are of the same opinion; therefore, be it

*Resolved*, That the delegates present who entertain the views expressed in said minority report, publicly declare the same in open Convention, and that they be included in said resolution of censure.

A motion to lay on the table was lost.

Mr. Cunningham moved that it be indefinitely postponed;

Which was carried.

Convention adjourned until to-morrow morning at 10 o'clock.

T. P. SEARS,
*Secretary.*

## NINETEENTH DAY.

JACKSON, MISS., Tuesday, January 28th, 1868.

The Convention met pursuant to adjournment.

President in the Chair.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Messrs. Alderson, Alcorn, Ballard, Beam, Bonney, Bridges, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Compton, Conley, Cunningham, Dalton, Dowd, Drane, Elliott John, Elliot James, Fawn, Field, Fitzhugh, Gaither, Gibbs, Goss, Handy, Hauser, Hemmingway, Herbert, Holland, Hutto, Jacobs, Johnson S., Johnson A., Lack, Leas, Leonard, Longmire, Mayson, Musgrove, Montgomery, Miles, Merryman, Morgan, Myers, Mygatt, McCutchen, McKee, McKnight, Nesbitt, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton, Phillips, Powell, Quinn, Railsback, Rainey, Richardson, Smith, Stewart, Stiles, Stricklin, Stringer, Stites, Townsend, Toy, Vaughan, Warren, Weir, Woodmansee, Yeoman—76.

The following delegates were absent:

Messrs. Barry, Brinson, Gray, Howe, Jamison, Jones, Kerr, Lawson, Mask, Moore, Neilson, Nelms, Peyton of Copiah, Stovall, Walker, Watson Williams—18.

Journal of yesterday read and approved.

Standing Committees reported in the order of their being called.

Committee on General Provisions reported progress.

Committee on Finance reported progress.

Committee on Public Education reported progress.

Committee on Bill of Rights reported an additional section, as follows:

Section 3. There shall be no discrimination between different sects or denominations who found their religious opinions upon the Scriptures of either the Old or New Testament, or both; nor shall any person who believes in the existence of God, and Divine penalties for human transgression, be prevented from becoming a witness, sitting on juries, or holding any office of honor, profit, or trust, within the gift of the people.

Made special order for the 30th, and one hundred copies ordered to be printed.

Mr. Castello offered the following:

*Resolved*, That the President of this Convention be empowered to appoint a Clerk, to be called a Warrant Clerk, whose duty it shall be to keep the accounts of the Convention, receive all accounts for the general and incidental expenses of the same, properly arranged, and present them to the Standing Committee on Contingent expenses, that they may report them to the Convention for approval; keep the accounts with officers, members, clerks and employees; all applications for warrants shall be made to him, and it shall be his duty to present them to the President and Secretary of the Convention, with a certified account, for their signature, before the same are issued as directed under section 24, of the ordinance passed January 24, providing for the levy and collection of a tax to pay the expenses of this Convention.

Mr. Morgan moved to lay the resolution on the table;

Which was lost.

Mr. Clarke offered the following:

*Resolved*, That this Convention now proceed to elect a suitable person as Auditor, to act as such for this Convention.

The President called to the Chair Mr. A Mygatt, of Warren.

Mr. Castello moved to lay the motion of Mr. Clarke on the table; which was carried.

Mr. Williams offered as a substitute to Mr. Castello's resolution the following:

Ordinance No. 5, providing for an Auditor for the Convention, and defining his duties:

*Be it ordained*, That there shall be appointed, or elected, by this Convention, an Auditor, whose duties it shall be to audit the accounts of the officers and members, printer, and others who may have claims against the same.

*Be it further ordained*, That the President shall not sign, or cause to be delivered, any warrants to any person, unless the correctness of the same shall first be certified to by the Auditor.

*Be it further ordained*, That the Auditor be allowed the same compensation as members of the Convention, and remain in office as long as it may be required to settle the accounts of the same, *provided;* The term of office of said Auditor shall not extend beyond fifteen days after the adjournment of this Convention; and said Auditor shall also be required to take the oath of office prescribed by Act of Congress, July 2, 1862.

Rules were suspended for the consideration of the ordinance;

Which was read a second time by its title.

Mr. Vaughan offered to amend, by striking out the 2d of July, 1862, and inserting "taken by the members of this Convention."

Which was laid on the table.

Mr. Musgrove offered the following:

That the 1st section of Mr. William's ordinance be so amended that the Sergeant-at-Arms be elected Auditor of this Convention, whose duty it shall be to audit the accounts of the members, officers, printer, and others who may have claims against the same.

Mr. Herbert moved to lay on the table.

Mr. Castello moved to adjourn;

Which was lost.

And the motion to lay on the table prevailed.

Mr. Ozanne offered the following amendment:

*Provided*, That if any member of the Convention is either elected or appointed, he shall not receive any extra compensation for such service; but in case his office is necessary beyond the adjournment of this Convention, he shall receive the same compensation as a delegate.

Mr. Herbert moved to lay on the table;

Which was adopted.

Mr. Gaither offered the following:

That the Sergeant-at-Arms, by virtue of his office, be the Auditor of this Convention, but that he receive no additional compensation for his services as such.

Which was laid on the table.

Mr. Eggleston moved the previous question;

Which was carried.

And the ordinance being read a third time, passed; title standing as stated.

Special order of the day being the report of the committee on Destitution, was postponed until to-morrow.

The resignation of Mr. Orr, as chairman of the committee on Printing, coming up for consideration,

Mr. Alderson moved to reject the resignation.

Mr. Hauser called for the previous question;

Which was lost.

After debate had on the subject, the motion of Mr. Alderson was lost.

Mr. Herbert moved to accept the resignation of Mr. Orr;

Which was carried.

The Convention adjourned until to-morrow morning at 10 o'clock.

T. P. SEARS,
*Secretary.*

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## TWENTIETH DAY.

JACKSON, MISS., Wednesday, January 29th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names;

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Chappell, Clarke, Combash, Compton, Conley, Cunningham, Dowd, Drane, Elliott John, Elliott James, Fawn, Field, Fitzhugh, Gaither, Gibbs, Goss, Handy, Hauser, Hemmingway, Holland, Howe, Hutto, Jacobs, Johnson S., Johnson A., Lack, Lawson, Leas, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Miles, Merryman, Morgan, Myers, Mygatt, McCutchen, McKee, McKnight, Nelms, Nesbitt, Newsom, Orr, Ozanne, Parsons of Adams, Parsons of Hinds, Peyton of Hinds, Powell, Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stricklin, Stringer, Stiles, Townsend, Toy, Vaughan, Warren, Weir, Woodmansee, and Yeoman—76.

The following delegates were absent:

Messrs. Castello, Chapman, Collins, Dalton, Gray, Herbert, Jamison, Jones, Kerr, Moore, Nelson, Peyton E. G., Phillips, Quinn, Stovall, Walker, Watson, Williams—18.

Reports of standing committees being in order,

The Finance Committee reported progress.

The committee on Public Education reported progress.

Special committee appointed to memorialize Congress in behalf of the destitute, through their chairman, made the following report:

WHEREAS, Many complaints have been made, and much opposition manifested to the collection of the cotton-tax, amounting to ten dollars per bale (fully one-fourth the entire crop of 1867); and

*Whereas*, Great efforts have been made both in and out of Congress, to repeal said tax, and make it apply to said crop; and

*Whereas*, There is great destitution in many portions of our State, both among white and black; therefore, be it

*Resolved*, That a special committee of three be appointed by the President to memorialize Congress that at least one-half of said tax, collected and being collected, in this State, on cotton produced in said year of 1867, be expended through the Freedmen's Bureau, to feed the hungry and cloth the naked.

The committee appointed were Messrs. Leas, Elliott of Itawamba, and Rainey.

*To the Honorable Senate and House of Representatives of the United States:*

We, the committee named in the accompanying resolution, would respectfully petition your honorable bodies to appropriate so much of the tax levied upon cotton for the year 1867, as will enable the Freedmen's Bureau to supply the actual wants of our citizens, without respect to color. Our best information from every county in the State, leads us to believe that there is actual want, and that suffering will prevail before relief can be had from the next crop.

We, therefore, pray your honorable bodies to give what aid you can through the Bureau of Refugees, Freedmen, and Abandoned Lands, consistent with duty, and we will ever pray, etc.

Very Respectfully,
Your ob't servants,
BENJ. LEAS,
*Chairman.*
JAMES ELLIOTT,
ISHAM S. RAINEY,
*Committee.*

Report received, and 100 copies ordered to be printed.

Mr. Railsback offered the following resolution:

*Resolved*, That a committee of three be appointed by the President of this Convention to memorialize Congress onbehalf of Lafayette Jones and Isaac Hudson, of Bolivar county, Mississippi, soliciting the immediate removal of their disabilities which obviates them at this time from exercising the right of suffrage.

Referred to committee for reporting names to Congress.

Mr. Orr offerred the following:

WHEREAS, There being but few newspapers now published in Mississippi that are loyal to the government of the United States, and believing it to be the duty of all loyal citizens of the State to encourage by all honorable means the establishing upon a firm basis, Journals that will advocate true Republican principles and unqualified loyalty to the Constitution and laws; therefore, be it

*Resolved*, That it shall be the duty of the first Legislature convened under the Constitution framed by this Convention to provide by legislative enactment, for the election or appointment by said Legislatare of an official printer for each Congressional District in the State.

*Be it further resolved*, That it shall be the duty of all State, district, county, and municipal officers to have all official printing, including all legal advertisements that are required by law to be published, inserted in said journals, at rates of compensation to be fixed by law.

Referred to committee on General Provisions.

Mr. Peyton, of Hinds, offered the following:

WHEREAS, The paramount political object which every patriot of our land should have in view, is the restoration or reconstruction of our government upon a truly loyal and national basis, on a basis which will secure liberty and equality before the law, to all men, regardless of race, color, or previous condition; and

*Whereas*, There is not, and has not been since the year 1861, any civil government in this State, which does not tend to strengthen and justify secession and rebellion, and weaken and discourage the friends of constitutional liberty and national greatness; therefore,

*Be it resolved by the Constitutional Convention of the State of Mississippi*, That the present move in the Congress of the United States, having in view the adoption and perfection of said plan or measure, by which the civil government of our State shall at once be placed in the hands of those who are striving against great odds for a national restoration upon a basis in accordance with the expressed will of Congress, is held with joy and gladness, and with prayers for its immediate consummation.

*Resolved*, That the President and Secretary sign this resolution, and forward a copy to the President of the Senate and Speaker of the House of Representatives of the United States.

Mr. Morgan moved to lay on the table;

Which was lost.

Mr. Hauser moved to print, and make special order for Friday;

Which was adopted.

Mr. Hauser offered the following resolution:

*Resolved*, That a committee be composed of nine members, to whom shall be referred all reports adopted by this Convention, and whose duty it shall be to draft and frame a Constitution for the State of Mississippi, and report as early as possible.

Mr. Gibbs moved to insert "five," instead of "nine."

Mr. Townsend moved to lay on the table the motion of Mr. Gibbs;

Which was earried.

Mr. Orr moved to amend the resolution of Mr. Hauser, as follows:

It shall be the duty of said committee to correct all errors of phraseology as well as grammatical errors that may appear in the various proposed articles of the Constitution to be framed by this Convention;

Which was lost for want of a quorum.

A call of the Convention was ordered.

Seventy-one members answered to their names.

After which, Mr. Field moved, that when persons do not vote, they shall be considered as voting in the affirmative;

Which was carried.

The question again recurring upon Mr. Hauser's resolution, it was adopted.

The President appointed Samuel Donnell as Clerk for the Committee on Enrollment.

Mr. Townsend offered the following:

*Resolved*, That a committee of three be appointed by the President, to report, as soon as practicable, the probable cost of publishing the official proceedings of this Convention, in the *Mississippi State Journal*, *Vicksburg Republican*, *and Meridian Chronicle*, at the rates of compensation reported by the Committee on Printing.

Mr. Clarke moved to lay the resolution on the table;

Which was lost.

Mr. Stringer moved to indefinitely postpone;

Which was lost.

Mr. Morgan moved to refer to the Committee on Finance, and moved the previous question;

Which was carried.

On motion of Mr. Alcorn, a reconsideration of the vote was had upon the adoption of Mr. Herbert's resolution of yesterday, receiving the resignation of Mr. Orr, as Chairman of the Committee on Printing.

The resignation of Mr. Orr, as Chairman of the Committee on Printing, was reconsidered.

Mr Alcorn moved that the resignation be not accepted, upon which the yeas and nays were called, with the following result:

YEAS—Messrs. Alderson, Alcorn, Beam, Bonney, Bridges, Brinson, Caldwell, Chappell, Clarke, Combash, Conley, Cunningham, Drane, Fawn, Field, Fitzhugh, Gibbs, Goss, Handy, Hauser, Holland, Howe, Hutto, Jacobs, Johnson A., Lawson, Leas, Leonard, Mayson, Miles, Morgan, Myers, Mygatt, McKee, McKnight, Newsom, Orr, Ozanne, Parsons of Hinds, Peyton of Hinds, Powell, Railsback, Rainey, Stewart, Stites, Stricklin, Stringer, Townsend, Toy, Warren, Yeoman—51.

NAYS—Messrs. Compton, Dowd, Gaither, Hemmingway, Herbert, Johnson S., Lack, Longmire, Montgomery, Merryman, McCutchen, Nelms, Nesbitt, Parsons of Adams, Phillips, Richardson, Smith, Vaughan, Walker, Woodmansee—20.

And the resignation was not accepted.

The special order of the day being the consideration of an ordinance directing the State Treasurer to issue warrants to the amount of $100,000.

The ordinance was withdrawn by Mr. Parsons, Chairman of the Finance Committee.

Special order being the consideration of additional sections, as submitted by the Committee on the Bill of Rights—being sections 32, 33, 34 and 35;

Which passed to a second reading.

The report of the Committee on Destitution passed to a third reading.

Mr. Hauser moved to empower the President to appoint an Auditor;

Which was adopted.

The following communication was received:

COLUMBUS, MISS., January 25, 1868.

*Gen. B. B. Eggleston, President of Mississippi Convention:*

DEAR SIR—My private affairs took such a turn in the last week in December, that I was compelled to leave home for several weeks, covering the time of the assembling of the Convention, and my trip having resulted in business arrangements, that will take me permanently from the State, it will be totally out of my power to attend any of the deliberations of your honorable body, but hoping and believing that the good work can be done as well without me, and wishing the Convention and yourself very great success in the great work you have so nobly undertaken,

I am yours, with very great respect,
GEO. W. VAN HOOK.

Mr. Townsend offered the following:

*Resolved,* That the resignation of Mr. Van Hook, delegate from Lowndes county, be forwarded to Brevet Major General Alvin C. Gillem, commanding 4th Military District, in order that the vacancy may be filled as early as practicable.

Which was laid on the table.

Mr. Vaughan offered the following:

*Resolved,* That the resignation offered to this Convention by Mr. Van Hook, as a delegate elect from Lowndes county, be accepted.

Which was adopted.

On motion of Mr. Alderson, of Jefferson, Rev. James Lynch and Judge R. A. Hill were invited to seats within the bar.

Convention adjourned until to-morrow morning at 10 o'clock.

T. P. SEARS,
*Secretary.*

## TWENTY-FIRST DAY.

JACKSON, MISS., Thursday, January 30th, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alcorn, Ballard, Beam, Bonney, Bridges, Brinson, Caldwell, Chapman, Chappell, Clarke, Combash, Compton, Conley, Cunningham, Dowd, Drane, Elliott, James, Fawn, Field, Gaither, Gibbs, Goss, Handy, Hauser, Hemmingway, Howe, Hutto, Jacobs, Johnson S., Kerr, Lack, Lawson, Leas, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Miles, Merryman, Myers, Mygatt, McCutchen, McKee, McKnight, Nelms, Nesbitt, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Phillips, Powell, Railsback, Rainey, Richardson, Stewart, Stites, Stricklin, Stringer, Townsend, Toy, Vaughan, Watson, Wier, Williams, Woodmansee, Yeoman—72.

The following delegates were absent:

Messrs. Alderson, Barry, Castello, Collins, Dalton, Fitzhugh, Gray, Herbert, Holland, Jamison, Johnson A., Jones, Moore, Morgan, Neilson, Orr, Peyton E. G., Quinn, Smith, Stovall, Walker, Warren—23.

The Journal of yesterday was read and approved.

Leave of absence was granted to Mr. Nelms, for ten days; to Mr. Townsend, for three days; to Mr. Walker, for eight days; to Mr. McCutchen, for five days; to Mr. Warren, for one day.

A. G. Daskam was appointed Clerk for committee on Legislative Department.

The report of the committee on Destitution (Mr. Alderson, of Jefferson, chairman), was taken up for consideration, when Mr. Watson requested that his name be stricken from the report, as he did not approve it.

Mr. Clarke moved to refer back to committee;

Which was carried.

Call of Resolutions being next in order;

Mr. Woodmansee offered the following:

*Resolved*, That immediately after calling for the reports of committees, the consideration of the Constitution, section by section, shall be taken up.

Which was lost.

Mr. Chappell offered the following:

*Resolved*, That the commission of G. C. Sullivan, appointing him Sheriff of Oktibbeha county, Mississippi, herewith submitted, be ratified by this Convention, and that all other similar commissions signed by Gen. Ord, be regarded legal and binding by the Convention so long as the appointees under them continue to perform their duties faithfully and loyally.

Mr. Morgan moved to lay on the table;

Which was lost.

Mr. Stricklin offered the following as an amendment:

*Provided*, That Mr. Sullivan and all other appointees, who may become custodians of public funds shall be required to give bond in double the amount of money likely to fall in his or their hands, and for the faithful keeping and disbursement of the same, and the prompt and efficient discharge of his or their official duties.

Mr. Morgan moved to lay the amendment and the original resolution on the table;

Which was carried.

Mr. Ozanne offered the following resolution:

*Resolved*, That the members of this Convention absenting themselves without first having asked and obtained such leave of absence, shall not be entitled to compensation for any such absence, except in cases of sickness, and that the Secretary of this Convention be requested to keep a record of all such absent members.

Which was adopted.

Mr. Mask offered the following:

*Be it resolved*, That full jurisdiction and authority be and the same is hereby granted to the government of the United States in and to the following lands situate in the county of Tishomingo, in the State of Mississippi, and in the corporate limits of the city of Corinth, said lands having been recently sold and conveyed to the United States by James H. Walker, Calvin F. Vance, and Margaret, his wife, Francis M. White, and Catherine S., his wife, for the purpose of establishing thereon a cemetery for the burial of Union officers and soldiers, viz: beginning at a stake corner in a line of land belonging to the estate of Joseph Stoak, deceased, thence running south along the line of said land nine hundred and thirty-three and five-tenths feet to a stake, being a corner in a line of land belonging to Calvin F. Vance and others; thence running west along said line nine hundred and thirty-three and five-tenths feet to a stake, being another corner of said line of land; thence running north along said line nine hundred and thirty-three and five-tenths feet to a stake, being another corner of said line of land; thence running east nine hundred and thirty-three and five-tenths feet, to the beginning, containing twenty acres, more or less; the said tract of land being a portion of the north-east quarter of section 12, township 2, of range 7 east, the basis meridian, of the Chickasaw Cession of land, in the said State of Mississippi, originally entered by Benj. F. Bradford, and that the said government of the United States shall have exclusive control and management of said land only for the purposes aforesaid, and while used as above specified.

Referred to the committe on Public Lands.

Mr. Phillips offered the following:

*Resolved*, That Edwin M. Stanton, in retaining his position in the Cabinet of President Johnson, after being requested by his Chief to resign and having been charged by message to the United States Congress, with infidelity in office, and with a breach of official courtesy and confidence, acts in opposition to public decency contrary to the theory of our government, and subversion of the peace, dignity, and harmony of the country.

Which was laid on the table.

Mr. McKee offered the following:

*Resolved*, That all standing committees make a complete report upon the subjects referred to them, on or before next Saturday, except the committee on Ordinance and Schedule.

Mr. Barry moved to lay on the table;

Which was lost.

And the resolution of Mr. McKee was lost.

Mr. A. Johnson offered the following:

WHEREAS, This Convention has thus far occupied its time in idle discussion of topics very remotely, if at all, applicable to the subject matter we were called here to do—that of preparing a Constitution of civil government for the State—and it is feared unless we are recalled at once from our wanderings, we will become subject to the censure of our constituents and the ridicule of our enemies; therefore, be it

*Resolved*, That a committee of fifteen be elected by this body to prepare a Constitution for the State of Mississippi, and that they be instructed to report to this Convention in three days.

Mr. Morgan moved to lay on the table;

Which was lost.

Mr. Compton moved to adjourn;

Which was lost.

The President announced the appointment of E. Stafford, as Auditor.

Special order was the consideration of the report of the committee on Printing.

Mr. Clarke moved to consider it section by section;

Which was lost.

And the report was laid over until to-morrow.

Section 3, Bill of Rights, was passed to second reading.

A call of the Convention being ordered, a quorum was found present.

Mr. Clarke offered the following:

*Resolved*, That no intoxicating liquor shall be brought within this hall or any of the rooms connected therewith, during the session of this Convention.

Which was adopted.

Mr. Holland offered the following:

*Resolved*, That a censure be voted on any member who shall come into this hall in a state of intoxication, while the Convention is in session, and that the Sergeant-at-Arms be instructed to lead such member from the hall, and for the second offense such offender shall be expelled from this body.

Which was adopted.

Mr. Alderson offered the following:

*Resolved*, That Maj. Gen. Alvin C. Gillem be requested to publish an order respecting the collection of taxes assessed by this Convention, that will give the collectors of the different counties ample security in the discharge of their duties as officers of this Convention.

Which was adopted.

Mr. Barry offered the following:

*Resolved*, That the committee on Odinance and Schedule be instructed to seport an ordinance which shall declare null and void all the laws passed, and all the Acts and supplementaries thereto, which have been passed by the previous Legislatures and Conventions in this State, except vested rights granted prior to the passage of the Ordinance of Secession, January 9, 1861, and all laws relating to marriage contracts.

The ordinance to take effect from and after its passage, and to remain in force until amended or annulled by the legislative authority, in pursuance of the Constitution to be adopted by this Convention.

Mr. Hauser moved to refer to the committee on General Provisions;

Which was lost.

Mr. Compton moved to lay on the table;

Which was lost.

And the resolution of Mr. Barry was adopted.

Mr. Vaughan introduced the following:

WHEREAS, There resides in the town of Lafayette, one Nathaniel J. Wilkerson, almost totally blind, with a wife and four small children, who are dependent on him for a support; and

*Whereas*, The said N. J. Wilkerson, is a produce and grocery merchant, on a small scale, in said town, and comes under the bill levying a special tax to defray the expenses of this Convention; therefore, be it

*Resolved*, That the said N. J. Wilkerson, be, and he is hereby released and exempt from the payment of said tax for said purposes.

Which was adopted.

Mr. Vaughan offered the following:

*Resolved*, That a fair and speedy administration of justice requires a reform in the judiciary, so as to have a Circuit Court with common law and criminal jurisdiction, with quarterly terms, and a court of equity and probate jurisdiction, with quarterly terms, giving to the equity and probate courts the power in vacation to grant letters of administration, guardianship, receive and audit accounts, and other orders, rules, and uncontested matters, subject to exceptions and adjudication by the Judge, at the regular terms.

*Be it further resolved*, That equally as well qualified and efficient officers of the judiciary can be obtained, and at much less expense to the people, by having the Judges appointed by the Governor, and confirmed by the Senate, removable by the address of a vote of two-thirds of the Senate, and that the Judges appoint their own Clerks; that the committee on Judiciary inquire into the expediency of making the above changes.

Referred to the committee on Judiciary.

Mr. Compton moved to adjourn;

Which was lost.

Mr. Fitzhugh moved that the committee on Memorializing Congress to remove the disabilities from certain persons in this State, be instructed to investigate the claims of James M. Miller, sr., and Wm. H. Noble, jr., citizens of Wilkinson county, to be included in the list to be made up by said committee.

Referred to the committee on Memorializing Congress, in the matter.

Mr. Orr, of Harrison, offered the following resolutions:

WHEREAS, A Convention, claiming to act in the name of the State of Mississippi, did, on the 9th day of January, 1861, pass an ordinance entitled, an ordinance to dissolve the Union between the State of Mississippi and other States united with her under the compact entitled the Constitution of the United States of America, therein declaring and ordaining the repeal of "all laws and ordinances by which the State of Mississippi became a member of the Federal Union, and absolving her citizens from all allegiance to said government; and,

*Whereas*, Such ordinance of secession was based upon an unfounded assumption of State sovereignty and a perverted theory of State rights, and brought about in the interest of slavery; therefore, be it

*Resolved*, That we, the people of Mississippi, in Convention assembled, do solemnly denounce the doctrines of State rights and State sovereignty, interpreted as they have been into a justification of secession, as utterly subversive of our form of government, and tending to confusion, anarchy, and national destruction.

*Resolved*, That we hold and maintain that our primary allegiance is due the government of the United States; that the Constitution and laws of the United States are the supreme law of the land, anything in the Constitution or laws of any State to the contrary notwithstanding; that no State Convention, whether fairly representing the people or not, has any right, power, or authority to absolve from that allegiance, and that consequently the act commonly called the ordinance of secession is, and always has been, null and void.

Referred to committee on the Bill of Rights.

Mr. Morgan, of Yazoo, offered the following:

*Resolved*, That there shall be, from and after Monday next, two daily sessions of the Convention; the first, the morning session, shall open at 9 A. M., and close at 1 P. M.; the second, the evening session, shall open at 3 P. M., and close at 6 P. M.

A motion to adjourn was lost.

Mr. Hauser moved to adjourn; which was carried.

And the Convention adjourned until to-morrow morning at 10 o'clock.

T. P. SEARS,
*Secretary.*

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## TWENTY-SECOND DAY.

JACKSON, MISS., Friday, January 31st, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Beam, Bonney, Bridges, Brinson, Caldwell, Chapman, Chappell, Clarke, Combash, Compton, Conley, Cunningham, Dalton, Dowd, Drane, Elliott John, Elliott James, Fawn, Field, Fitzhugh, Gaither, Goss, Handy, Hauser, Hemmingway, Herbert, Howe, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Kerr, Lawson, Leas, Longmire, Mayson, Mask, Musgrove, Montgomery, Miles, Merryman, Moore, Morgan, Myers, Mygatt, McCutchen, McKee, McKnight, Nesbitt, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Phillips, Powell, Quinn, Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stricklin, Stringer, Toy, Vaughan, Watson, Warren, Williams, Weir, Woodmansee, and Yeoman—79.

The following delegates were absent:

Messrs. Barry, Castello, Collins, Gray, Jones, Lack, Leonard, Neilson, Nelms, Peyton E. G., Stovall, Stiles, Walker—13.

Journal of yesterday read and approved.

The standing committees reported as follows:

The committee on Public Education reported progress.

The committee on Bill of Rights, through their chairman, made the following report as additional sections to their original report:

SECTION 36. All persons, without regard to race, color, or previous condition, except Indians not taxed, born or naturalized, in the United States, and inhabitants of this State one year, are citizens of this State.

SEC. 37. All courts shall be open, and every person, for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and justice administered without denial or delay.

SEC. 38. The right of all citizens to travel and be entertained, shall not be infringed upon nor in any manner abridged in this State.

SEC. 39. No public money or moneys shall be given, or funds bestowed, on any charitable or other public institution in this

State that makes any distinction among the citizens of this State.

Sec. 40. No distinction shall ever be made between resident aliens and citizens in reference to possession, enjoyment or dissent of property.

Sec. 41. That perpetuities and monopolies are contrary to the genius of the free State, and shall not be allowed to guard against the transgressions of the high powers which we have delegated, we declare that everything in this article excepted out of the general powers of government, shall ever remain inviolable.

Mr. Fitzhugh moved to receive the report, and print the same under the rules;

Which was carried.

Leave of absence was granted Mr. Gray for five days.

The several reports of the committee on the Bill of Rights were recommitted.

The report of the committee on Printing being under consideration, the same was, on motion, recommitted, with instructions to report as soon as practicable.

The rules were suspended to allow the committee on Enrollment to report:

*To the President and Members of the Convention:*

The committee on Enrollment, have examined Ordinances Nos. 4 and 5, adopted by this Convention, and have instructed me to report that they have found them correctly enrolled.

James Weir, *Chairman.*
W. B. Cunningham and others,
*Committee.*

Mr. Clarke moved that no reporter shall be allowed within the bar, who makes a discrimination in speaking of various members of the Convention.

Mr. Warren moved to amend the motion of Mr. Clarke, by adding, "and whoever shall offend in this respect, hereafter, shall be excluded by order of the President, from the floor of this hall."

Mr. Stricklin offered to amend, by adding:

And when an ignorant man arises to speak, he shall be called by the *Clarion*, a fool, and that a coward shall be called a dunghill;

Which was laid on the table.

Mr. Gibbs moved to table the original and amendments.

The yeas and nays were called for, with the following result:

Yeas—Messrs. Bridges, Combash, Compton, Cunningham, Dalton, Dowd, Elliott John, Elliott James, Field, Gaither, Gibbs, Hemmingway, Howe, Hutto, Jamison, Johnson S., Kerr, Lack, Lawson, Longmire, Mask, Montgomery, McKnight, Nesbitt, Parsons F., Peyton E. A., Phillips, Quinn, Rainey, Richardson, Smith, Stricklin, Stiles, Toy, Vaughan, Watson, and Yeoman—37.

Nays—Messrs. Alderson, Barry, Bonney, Brinson, Caldwell, Clarke, Drane, Fawn,. Fitzhugh, Handy, Hauser, Herbert, Jacobs, Johnson A., Leas, Mayson, Musgrove, Miles, Moore, Morgan, Mygatt, McKee, Newsom, Orr, Ozanne, Parsons J. R., Powell, Railsback, Stewart, Stites, Stringer, Warren, Weir, and Woodmansee—34.

Mr. Weir moved to strike Mr. Stricklin's amendment from the Journal.

Mr. Morgan moved to lay the motion on the table.

Unfinished business of yesterday coming up,

The resolution introduced by Mr. Morgan, on yesterday, providing for the holding of two sessions daily, came up;

Mr. Howe moved to amend, as follows:

*Resolved*, That rule number 52, be so amended as to read: The Convention shall hold two sessions daily, Sundays excepted; a morning session, which shall meet at 9 A. M., and adjourn at 1 P. M., and an evening session, which shall meet at 3 P. M., and adjourn at 5 P. M., unless otherwise ordered.

Mr. Morgan accepted the amendment.

Mr. Hauser moved to lay on the table.

Mr. Stiles offered an amendment, as follows:

That the morning sessions be devoted to extra gas and buncombe resolutions, and spread-eagle speeches; the evening sessions exclusively to business.

Mr. Stringer offered the following:

*Resolved*, That we will entertain no business except reports of committees.

Which was laid on the table.

Mr. Howe moved the previous question; which was sustained.

Mr. Morgan called for the yeas and nays on the adoption of the resolution, which resulted as follows:

YEAS—Messrs. Alderson, Ballard, Barry, Beam, Bonney, Brinson, Caldwell, Clarke, Compton, Conley, Dalton, Dowd, Drane, Elliott James, Elliott James, Field, Gaither, Gibbs, Handy, Hemmingway, Howe, Hutto, Johnson S., Johnson A., Kerr, Lawson, Leonard, Longmire, Mayson, Musgrove, Miles, Moore, Morgan, McKee, Nesbitt, Newsom, Ozanne, Parsons of Hinds, Peyton of Hinds, Phillips, Powell, Railsback, Rainey, Richardson, Smith; Stewart, Stites, Stringer, Toy, Vaughan, Warren, Williams, Yeoman—53.

NAYS—Messrs. Bridges, Chappell, Cunningham, Castello, Fitzhugh, Hauser, Herbert, Jacobs, Montgomery, Mygatt, McKnight, Orr, Parsons of Adams, Stricklin, Stiles, Watson, Weir, Woodmansee—18.

Report of committee to Memorialize Congress in reference to the Cotton Tax, coming up for consideration, after being read,

Mr. Clarke offered the following:

*Resolved*, That a copy of these resolutions be signed by the President and Secretary of the Convention, and forwarded to the President of the Senate and Speaker of the House of Representatives of the United States Congress.

Which was adopted.

Mr. Peyton's preamble and resolutions in reference to reconstruction, coming up, Mr. Montgomery moved to lay on the table;

Which was carried.

Under the resolution of Mr. Hauser, introduced and adopted on yesterday, in reference to the appointment of a committee to draft a Constitution, the President appointed:

Mr. Hauser, of Kemper;
Mr. John Elliott, of Monroe;
Mr. Stringer, of Warren;
Mr. Barry, of Holmes;
Mr. Weir, of Oktibbeha;
Mr. Drane, of Madison;
Mr. Yeoman, of Wayne;
Mr. Holland, of Oktibbeha;
Mr. Warren, of Leake;

The President decided that the Convention should adjourn under the rules, this A. M.

Mr. McKee appealed from the decision of the Chair, and the Chair was sustained.

## AFTERNOON SESSION.

Mr. Gibbs moved to read the Journal of this morning, and on vote of the Convention, it was dispensed with.

Mr. Gibbs moved that the resolution of Mr. Morgan, offered yesterday, be read for information;

Which was carried.

Mr. Gibbs moved to reconsider the vote by which the resolution of Mr. Howe was adopted;

Which was carried.

Mr. McKee's amendment to Mr. Howe's resolution was accepted, viz:

This rule to take effect on and after Monday next.

Mr. Cunningham moved to lay amendment and original on the table.

The yeas and nays being called, the following was the result:

YEAS—Messrs. Alcorn, Ballard, Beam, Bridges, Brinson, Caldwell, Chapman, Clarke, Compton, Conley, Cunningham, Dalton, Drane, Fawn, Fitzhugh, Gaither, Hauser, Jacobs, Jamison, Johnson, Mask, Montgomery, McKee, McKnight, Nesbitt, Newsom, Orr, Parsons F., Peyton E. A., Powell, Quinn, Smith, Stewart, Stiles, Watson, Weir, and Woodmansee—37.

NAYS—Messrs. Bonney, Dowd, Gibbs, Handy, Howe, Hutto, Lack, Musgrove, Moore, Morgan, Parsons J. R., Phillips, Railsback, Rainey, Richardson, Stites, Stringer, Toy, Warner and Yeoman—20.

Convention adjourned to meet at 10 o'clock to-morrow.

T. P. SEARS,
*Secretary.*

## TWENTY-THIRD DAY.

Jackson, Miss., Saturday, February 1st, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Compton, Conley, Cunningham, Dalton, Dowd, Drane, Elliott John, Elliott James, Fawn, Fitzhugh, Gaither, Gibbs, Handy, Hauser, Hemmingway, Herbert, Howe, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Jones, Kerr, Lack, Lawson, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Miles, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Nesbitt, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton, E. A., Phillips, Powell, Quinn, Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stricklin, Stringer, Stiles, Toy, Vaughan, Warren, Weir, Williams, Woodmansee, and Yeoman—79.

The following delegates were absent:

Messrs. Brinson, Collins, Field, Goss, Gray, Holland, Leas, Merryman, McCutchen, Neilson, Nelms, Peyton E. G., Stovall, Townsend, Walker, Watson—15.

Leave of absence was granted to the following named gentlemen, for the period affixed to their names: Mr. Leas, for five days; Mr. Brinson, for five days; Mr. Watson, for five days; Mr. Morgan, for five days; Mr. Phillips, from the third, one week; Mr. Field, for five days.

*To the President of the Mississippi Constitutional Convention:*

Sir—As I am unwell and unable to be present, I would most respectfully ask that Captain Lawson be appointed clerk for the committee on County Boundaries, and ask that the appointment date from the 30th instant.

Yours, truly,
G. H. Holland.

Reports of committees being called for, the Judiciary made the following report:

Mr. President: The committee on the Judiciary respectfully submit the following report, and ask that it be made part of the Constitution of the State of Mississippi, as article 4:

G. C. McKee, *Chairman.*
J. Railsback,
W. B. Cunningham, and others.

## JUDICIARY.

Section 1. The Judicial power of this State shall be vested in one High Court of Errors and Appeals, and such other courts of law and equity as are hereafter provided for in this Constitution.

SEC. 2. The High Court of Errors and Appeals shall consist of three Judges, any two of whom, when convened, shall form a quorum. The Legislature shall divide the State into three Districts, and the Governor, by and with the advice and consent of the Senate, shall appoint one Judge for each District.

SEC. 3. The office of one of said Judges shall be vacated in three years, one in six years, and one in nine years; so that at the expiration of every three years, one of said Judges shall be appointed as aforesaid. The term of office of the Judges of the High Court of Errors and Appeals shall be nine years.

SEC. 4. The High Court of Errors and Appeals shall have no jurisdiction but such as properly belongs to a Court of Errors and Appeals.

SEC. 5. All vacancies which may occur in said Court, from death, resignation, or removal, shall be filled by appointment as aforesaid; *Provided, however*, That if a vacancy shall occur during the recess of the Legislature, the Governor shall appoint a successor, who shall hold his office till the next meeting of the Legislature.

SEC. 6. No person shall be eligible to the office of Judge of the High Court of Errors and Appeals, who shall not have attained the age of thirty years at the time of his appointment, and who shall not have been, for two years immediately preceding, a citizen of the State, and six months a resident of the District for which he shall be appointed, and for five years an attorney at law.

SEC. 7. The High Court of Errors and Appeals shall be held at least once a year in each District, at such place therein as the Legislature may, by law, direct; and all causes shall be heard in the District in which they arise.

SEC. 8. Immediately upon the first appointment of Judges, as aforesaid, the Governor, in the presence of and with the assistance of the President of the Senate, and the Secretary of State, shall determine by lot which of said Judges shall serve for the term of three years, and which shall serve for the term of six years, and which shall serve for the term of nine years. And it shall be the duty of the Governor to issue commissions accordingly.

SEC. 9. No Judge of said court shall sit on the trial of any cause where the parties or either of them, shall be connected with him by affinity or consanguinity, or where he may be interested in the same, except by consent of the Judge and of the parties; and whenever a quorum of said court are situated as aforesaid, the Governor of the State shall, in such cases, specially commission two or more men of law knowledge for the determination thereof.

SEC. 10. The Judges of said court shall receive for their services a compensation to be fixed by law, which shall not be diminished during their continuance in office.

SEC. 11. The Judges of the Circuit Courts shall be appointed by the Governor, with the advice and consent of the Senate, and shall hold their term of office for six years.

SEC. 12. No person shall be eligible to the office of Judge of the Circuit Court, who shall not at the time of his appointment, have attained the age of twenty-six years, and shall have been two years a citizen of the State, and six months an inhabitant of the district for which he may have been appointed, and shall have been for two years an attorney at law.

SEC. 13. The State shall be divided into convenient judicial districts, and each district shall not contain not more than five counties.

SEC. 14. Circuit Courts shall have original jurisdiction in all matters, civil and criminal, within this State; but in civil cases only, when the principal of the amount in controversy exceeds fifty dollars.

SEC. 15. A Circuit Court shall be held in each county of this State at least four times in each year, and the Judges of said Courts may interchange circuits with each other in such manner as may be prescribed by law; and shall receive for their services a compensation to be fixed by law, which shall not be diminished during their continuance in office.

SEC. 16. A Chancery Court shall be established with full jurisdiction in all matters of equity, and in all matters testamentary and of administration in orphans' and minors' business, and allotments of dower in cases of idiocy and lunacy, and of persons *non compos mentis;* also in all cases of divorce and alimony, and all other matters pertaining to a court of chancery jurisdiction.

SEC. 17. The Legislature shall divide the State into a convenient number of Chancery Districts, to be composed of not more than five counties. A Chancellor shall be appointed in the same manner as Circuit Judges are appointed, with the same qualifications, and to hold his office for the same length of time, and shall receive such compensation as may be fixed by law; which shall not be diminished during his continuance in office. He shall preside over the Chancery and Probate Courts.

SEC. 18. The Clerk of the High Court of Errors and Appeals shall be appointed by said Court for the term of four years, and the Clerks of the Circuit, Chancery and other inferior Courts shall be elected by the qualified electors of their several counties of their respective districts, and shall hold their office for the term of four years. The Legislature shall provide by law what duties shall be performed by the Clerk of the Chancery and Probate Courts during vacation, subject to the revision and approval of the Chancellor.

SEC. 19. The style of all process shall be, "The State of Mississippi," and all prosecutions shall be carried on in the name and by the authority of "The State of Mississippi," and shall conclude "against the peace and dignity of the same."

SEC. 20. The qualified electors of each county shall elect five persons by districts, for the term of two years, who shall constitute a Board of Police for each county, a majority of whom may transact business; which body shall have full jurisdiction over roads, highways, ferries, and bridges, and all other matters of County Police, and shall order all county elections, to fill vacancies that may occur in the offices of their respective counties. The Clerk of the Chancery and Probate Courts of each county shall be the Clerk of such Board of County Police.

SEC. 21. No person shall be eligible as a member of said board who shall not have resided one year in the county, but this qualification shall not extend to such new counties as may hereafter be established, until one year after their organization, and all vacancies that may occur in said Board, shall be supplied by election as aforesaid, to fill the unexpired term.

SEC. 22. The Judges of all the Courts of this State, and also the members of the Boards of County Police shall, by virtue of office, be conservators of the peace, and shall be by law vested with ample powers in that respect.

SEC. 23. A competent number of Justices of the Peace and Constables, shall be chosen in each county, by the qualified electors thereof, by districts, who shall hold their offices for the term of two years; the jurisdiction of Justices of the Peace, shall be limited to causes in which the principal of the amount in controversy, shall not exceed the sum of fifty dollars; in all causes tried by a Justice of the Peace, the right of appeal shall be secured under such rules and regulations as shall be prescribed by law.

SEC. 24. The Legislature shall, from time to time, establish such other inferior courts as may be necessary, and abolish the same whenever they shall deem it expedient.

SEC. 25. There shall be an Attorney General elected by the qualified electors of the State, and a competent number of District Attorneys shall be elected by the qualified electors of the respective Districts, whose term of service shall be four years, and whose compensation shall be prescribed by law.

SEC. 26. The Legislature shall provide by law for determining contested elections.

SEC. 27. The Judges of the several courts of this State, for wilful neglect of duty, or other reasonable cause, shall be removed by the Governor, on the address of both houses of the Legislature—the address to be by joint vote of both houses. The cause or causes for which said removal shall be required shall be stated at length in such address and on the Journals of both houses. The Judge so intended to be removed shall be notified and admitted to a hearing in his own defense before any vote for such address shall pass. The vote on such address shall be taken by yeas and nays, and entered on the Journal of each house.

SEC. 28. Clerks, Sheriffs, and other county officers, for wilful neglect of duty, or misdemeanor in office, shall be liable to presentment or indictment by a grand jury and trial by petit jury, and upon conviction, shall be removed from office.

Mr. Musgrove moved to receive and print one hundred copies; Which was carried.

The committee on the Executive Department made the following report.

*To the President and Delegates of the Convention :*

Your committee on the Executive Department beg leave to submit the following report, to-wit:

## EXECUTIVE DEPARTMENT.

SECTION 1. The chief executive power of this State shall be vested in a Governor, who shall hold his office for four years from the time of his installation.

SEC. 2. The Governor shall be elected by the qualified electors of the State. The returns of every election for Governor shall be sealed up and transmitted to the seat of goverment, directed to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives at the next ensuing session of the Legislature, during the first week of which session the said Speaker shall open and publish them in the the presence of both houses of the Legislature. The person having the highest number of votes shall be Governor; but if two or more shall be equal and highest in votes, then one of them shall be chosen Governor by the joint ballot of both houses of the Legislature. Contested elections for Governor shall be determined by both houses of the Legislature in such manner as shall be prescribed by law.

SEC. 3. The Governor shall be at least thirty years of age, and shall have been a citizen of the United States twenty years; shall have resided in this State two years next preceding the day of his election, and shall not be eligible to that office a second term.

SEC. 4. He shall receive for his services the sum of five thousand dollars a year, payable quarterly, until otherwise provided for by law.

SEC. 5. He shall be commander-in-chief of the army and navy of the State, and of the militia, except when they shall be called into the service of the United States.

SEC. 6. He may require information in writing from the officers in the Executive Department, on any subject relating to the duties of their respective offices.

SEC. 7. He may, in cases of emergency, convene the Legislature at the seat of governmant, or at a different place if that shall have become, since their last adjournment, dangerous from an enemy or from disease; and in case of disagreement between the two houses with respect to the time of adjournment, shall adjourn them to such time as he may think proper, not beyond the day of the next stated meeting of the Legislature.

Sec. 8. He shall, from time to time, give to the Legislature information of the state of the government, and recommend to their consideration such measures as he may deem necessary and expedient.

Sec. 9. It shall be his duty to see that the laws are faithfully executed.

Sec. 10. In all criminal and penal cases, except in those of treason and impeachment, he shall have power to grant reprieves and pardons, and remit fines, and in cases of forfeiture, to stay the collection until the end of the next session of the Legislature, and to remit forfeitures by and with the advice and consent of the Senate. In cases of treason, he shall have power to grant reprieves, by and with the advice and consent of the Senate, but may respite the sentence until the end of the next session of the Legislature.

Sec. 11. All commissions shall be in the name and by authority of the State of Mississippi, be sealed with the great seal, and signed by the Governor, and be attested by the Secretary of State.

Sec. 12. All vacancies not provided for in this Constitution, shall be filled in such manner as the Legislature may prescribe.

Sec. 13. There shall be a Lieutenant Governor, who shall be elected at the same time, in the same manner, and for the same term, and shall possess the same qualifications as the Governor.

Sec. 14. He shall, by virtue of his office, be President of the Senate. In Committee of the Whole he may debate on all questions, and when there is an equal division in the Senate, or in a joint vote of both houses, he shall give the casting vote.

Sec. 15. He shall receive for his services, while presiding over the Senate, fifteen dollars per diem, and the same mileage as a Senator.

Sec. 16. When the office of Governor shall become vacant, by death or otherwise, the Lieutenant Governor shall possess the powers, and discharge the duties of said office, and receive the same compensation as the Governor, during the remainder of said term. When the Governor shall be absent from the State, or unable, by protracted illness, to perform the duties of his office, the Lieutenant Governor shall discharge the duties of said office, and receive said compensation, until the Governor be able to resume his duties. But if from disability, or otherwise, the Lieutenant Governor shall be incapable of performing said duties, or if he be absent from the State, the President of the Senate, *pro tempore*, shall act in his stead; but if there be no such President, or if he be disqualified by like disability, or he be absent from the State, then the Speaker of the House of Representatives shall assume the office of Governor, and perform said duties, and receive the same compensation as the Governor, and in case of the inability of the foregoing officers to discharge the duties of the Governor, the Secretary of State shall convene the Senate to elect a President *pro tempore*.

Sec. 17. In case the election for Lieutenant Governor shall be contested, it shall be decided in the same manner as that of the Governor.

SEC. 18. The Secretary of State shall be elected by the qualified electors of the State, and shall be twenty-five years of age, and a citizen of the State one year at the time of his election, and shall continue in office during the term of four years. He shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before the Legislature, and shall perform such other duties as may be required of him by law.

SEC. 19. There shall be a Seal of this State, which shall be kept and used by him officially, and be called the Great Seal of the State of Mississippi.

SEC. 20. Every bill which shall have passed both houses of the Legislature, shall be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it, with his objections, to the house in which it shall have originated, which shall enter the objections at large upon their Journals and proceed to reconsider it; if, after such reconsideration, two-thirds of the house shall pass the bill, it shall be sent with the objections to the other house, by which it shall likewise be reconsidered; if approved by two-thirds of that house, it shall become a law; but in such case the vote of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill, shall be entered on the Journals of each house respectively; if any bill shall not be returned by the Governor within six days (Sundays excepted), after it shall have been presented to him, the same shall become a law, in like manner as if he had signed it, unless the Legislature, by their adjournment, prevent its return, in which case it shall not become a law.

SEC. 21. Every order, resolution, or vote, to which the concurrence of both houses may be necessary, except resolutions for the purpose of obtaining the joint action of both houses, and on questions of adjournment, shall be presented to the Governor, and, before it shall take effect, be approved by him; or, being disapproved, shall be repassed by both houses, according to the rules prescribed in the case of a bill.

SEC. 22. A Sheriff and one Coroner, a Treasurer, Surveyor and Ranger, shall be elected in each county by the qualified electors thereof, who shall hold their offices for two years, unless sooner removed.

SEC. 23. A State Treasurer, and Auditor of Public Accounts shall be elected by the qualified electors of the State, who shall hold their offices for the term of four years, unless sooner removed, and shall possess the same qualifications as the Secretary of State.

SEC. 24. All officers named in this article shall hold their offices during the term for which they were elected, and until their successors shall be duly qualified to enter on the discharge of their respective duties.

SEC. 25. The Secretary of State shall receive for his services the sum of ——— dollars; the Treasurer, and Auditor of Public Accounts, each, shall receive ——— dollars per year, until otherwise provided by law.

Respectfully submitted,
A. ALDERSON, *Chairman.*
A. MYGATT,
C. W. FITZHUGH,
W. LAWSON.

Mr. Hemmingway, of the same committee, submitted the following as a minority report:

*To the President and Delegates of the Convention:*

The undersigned members of the committee on the Executive Department, beg leave to submit the following minority report, to-wit:

That they concur fully with the plan proposed in the majority report, except in two instances, viz: that, instead of two years, five years residence in the State, should be necessary to eligibility for the office of Governor, and that the salaries of the various officers specified in said report should be fixed respectively, as follows:

Governor, $4,000;
Secretary of State, $2,000;
Treasurer, $2,000;
Auditor of Public Accounts, 2,000.

All of which is respectfully submitted.

WM. L. HEMMINGWAY,
G. E. LONGMIRE,
J. H. KERR,
STEPHEN JOHNSON.

The reports of the majority and minority were received, and one hundred copies ordered to be printed.

The chairman of the committee on Printing submitted the following letter:

JACKSON, MISS., Jan. 31st, 1868.

*To the Hon. President and Members of the Convention:*

GENTLEMEN—The undersigned, chairman of the committee on Printing, would respectfully represent that he has been called upon by the Official Printer to certify to the printing of various ordinances, resolutions, reports of committees, and other matter. That upon casual examination, he finds there has been quite a large amount of printing done, of which he has no personal knowledge, and consequently declines certifying to the correctness of the same.

The mode of proceeding in relation to printing heretofore performed, appears irregular, tending to confusion of accounts and unnecessary expense.

He would, therefore, suggest that all printing be furnished the Official Printer through your committee, and that no work be executed by the Official Printer unless a copy of the resolution wherein said work is ordered shall accompany the same. By adopting these suggestions, your committee would have cognizance of the entire matter, and believe the result would be satisfactory to your honorable body.

He would also suggest, that your committee be authorized to fully investigate the claims of the Official Printer for work already performed, and report the result to this Convention.

Very respectfully,
Your obt. serv't,
BENJ. H. ORR.

Mr. Morgan, of Yazoo, moved to receive the report;

Which was carried.

Committee on Public Education reported progress.

### REPORT OF THE SELECT COMMITTEE IN REFERENCE TO THE SECURING OF TRANSPORTATION FOR CERTAIN PERSONS, AND CONFERRING WITH GENERAL GILLEM IN REFERENCE TO THE SAME.

*To the Hon. President and Members of the Constitutional Convention :*

GENTLEMEN—Your committee appointed to confer with the General Commanding Fourth Military District, beg leave to report that, in obedience to the resolution creating the committee, they have corresponded with Brevet Major-General Gillem in relation to the transportation of destitute freedmen to their homes, and have received from him the letter herewith submitted, which is made a part of this report. And your committee beg leave to be discharged.

Respectfully submitted.

J. A. MOORE,
*Chairman.*
C. W. FITZHUGH,
T. W. STRINGER,
*Committee.*

HEADQR'S. 4TH MILIITARY DISTRICT MISS. AND ARKANSAS,
Vicksburg, Miss., January 29th, 1868.

*To Messrs. Chas. W. Fitzhugh, J. A. Moore, and Thos. W. Stringer, Committee Constitutional Convention, State of Mississippi :*

GENTLEMEN—The General Commanding directs me to acknowledge the receipt of your communication of the 25th inst., with a copy of a resolution of the Constitutional Convention of Mississippi, of the same date enclosed, representing that "there are now in this State many persons who are in a destitute condition—many who, while slaves, were forced far from their homes and friends, and have never been able to return; others who have been induced by promises of liberal compensation for labor to leave families and friends, and now are cast out on the cold charities of the world, without money, far from friends who might afford them temporary relief—and in view of these circumstances requesting that the General Commanding issue such orders as he may deem necessary for their relief, and furnish such means as may be at his command to enable them to go to their homes and friends."

In reply, I am directed to say that it has been, and is yet, the custom of the General Commanding, as Assistant Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands, State of Mississippi, to furnish children with transportation to their parents or relations desiring to take charge of them. Transportation has also been furnished for such destitute persons as were likely to become a charge on the Government to places where employment might be obtained, or they be provided for by their friends. It is not deemed expedient to extend this custom beyond the class of persons above alluded to, to children and destitute persons, unable to provide a support by labor.

To return the colored people of Mississippi to the places of their birth, or as expressed by the resolution, to their homes and friends, would require a million of dollars.

Every assistance will be given in providing homes and labor for the persons alluded to in the resolution.

I am, gentlemen, very respectfully,
Your obedient servant,
JOHN TYLER,
*1st Lieut. 43d U. S. Infantry, Brevet Major U. S. Army, A. A. A. G.*

The communication from General Gillem was received and ordered to be spread upon the Journal, and the committee discharged.

Mr. John Elliott offered the following:

*Resolved*, That all resolutions which may relate to any business for which there are any standing committees, shall be handed to said committee, and not be introduced in the Convention.

Mr. Compton moved to lay on the table;

Which was carried.

Mr. Morgan moved to amend Rule No. 30, so as to dispense with the calling of counties for resolutions.

Mr. Herbert moved to lay on the table;

Which was carried.

Mr. Castello offered the following:

*Resolved*, That the Auditor of this Convention be and is hereby authorized to audit bills of the official printer to the amount of eight hundred dollars.

Which was adopted.

Mr. Conley, of Attala, offered the following:

*Resolved*, That a committee of fifteen—three from each Congressional District—be raised to take into consideration the propriety of moving the State House from Jackson to Kosciusko, or to some suitable place near the geographical center of the State, and that they report to this Convention at an early day.

A motion to lay on the table was lost.

Mr. Cunnigham moved the previous question; and the yeas and nays being called, resulted as follows:

YEAS—Messrs. Alderson, Alcorn, Bonney, Bridges, Castello, Chappell, Conley, Cunningham, Elliott John, Elliott James, Fawn, Fitzhugh, Gibbs, Handy, Hauser, Hutto, Kerr, Mask, Montgomery, Moore, Myers, Orr, Powell, Quinn, Railsback, Rainey, Richardson, Smith, Stites, Stiles, Toy, Warren, Weir—33.

NAYS—Messrs. Ballard, Beam, Chapman, Clarke, Combash, Compton, Dalton, Dowd, Drane, Gaither, Hemmingway, Herbert, Howe, Jacobs, Johnson S., Lack, Longmire, Miles, Mygatt, McKee, McKnight, Newsom, Phillips, Stricklin, Stringer, Yeoman—27.

And the resolution was adopted.

Mr. Kerr offered the following:

WHEREAS, The people of Mississippi, are overwhelmed and oppressed by a burthen of indebtedness which they are utterly unable to liquidate; and

*Whereas*, They were reduced to straitened circumstances, not by their own fault, but by the fate of war; therefore, be it

*Resolved*, That no Legislature hereafter convening, shall ever pass any law or enforce any law that now exists, to enforce the collection of any debts contracted previous to April, 1865, except for real estate or money or moneys in the hands of administrators going to widows or orphans; and

*Be it further resolved*, That parties who have sold land and have received three-fourths the amount for which it was sold, shall be hereby enjoined from collecting the remainder of the debt and be forced to make a *bona fide* title to the same.

Referred to the committee on General Provisions.

Mr. Bridges offered the following:

WHEREAS, The Convention which met in Jackson, in 1865, adopted various amendments to the Constitution of the State of Mississippi, and enacted ordinances providing for the election of legislators and all civil officers in the State, which amendments and ordinances said Convention refused to submit to the people for ratification, thereby all such acts and ordinances of said Convention, became null and void; and

*Whereas*, At an election held by authority of said ordinance, members were elected to act as legislators, and by virtue of such election, met at the Capitol and organized as a body and proceed to enact laws and make regulations upon authority of said amendments and ordinances; and

*Whereas*, During its first session said so-called Legislature passed a law changing the name of Jones county to that of Davis county, in honor of the notorious rebel leader Jefferson Davis, and also changed the name of the county site to that of Leesburg, in honor of the rebel General Lee; and said so-called Legislaturte did further form a new county out of a portion of

Pontotoc and Itawamba counties, which was designated Lee county, in honor of said rebel General Lee; now therefore,

*Be it ordained*, That all of said proceedings as said aforesaid, are hereby declared null and void, and of no effect; that the name of Jones county shall be substituted from the date of the passage of this ordinance, for that of Davis county; that the name of Jonesboro, shall be substituted for that of Leesburg, and that the name of Lee county be hereby utterly abolished, and the name of Lincoln county substituted therefor.

Mr. Herbert moved to lay on the table;

Which was lost.

Mr. Weir moved to pass to its first reading.

Mr. Hauser moved the previous question; which was sustained.

And the motion of Mr. Weir, to pass to its first reading, was carried.

Mr. Gibbs moved to read the ordinance a second time by its title.

The President decided the motion in order, under the rules.

Mr. Orr appealed from the decision of the Chair, and the Chair was sustained.

Mr. Compton moved to refer to the committee on County Boundaries.

Leave of absence was granted to Mr. Lack for one week, from Monday next; to the Doorkeeper, C. F. Norris, until Monday morning; to Mr. Montgomery, until Thursday next; and to Mr. Gaither for one week.

Mr. Cunningham moved that it shall be the duty of every standing committee, except the committee on Enrollment and the committee on Contingent Expenses, and the committee on Ordinance and Schedule, to report to this Convention on or before Monday, February 3d.

Mr. Gibbs moved to lay on the table;

Which was lost.

Call of the Convention ordered, and a quorum announced.

Leave of absence was granted to Mr. Fitzhugh, until Monday; to Mr. Stringer until Monday; to Mr. S. Johnson for four days; to Mr. Hemmingway, for four days; and to Mr. Conley for four days.

The Convention adjourned until Monday morning, 10 o'clock.

T. P. Sears,
*Secretary.*

## TWENTY-FOURTH DAY.

JACKSON, MISS., Monday, February 3d, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Bonney, Bridges, Brinson, Caldwell, Chapman, Chappell, Clarke, Combash, Compton, Cunningham, Dalton, Dowd, Drane, Elliott John, Elliott James, Fawn, Fitzhugh, Gaither, Gibbs, Handy, Hauser, Herbert, Howe, Hutto, Jacobs, Jamison, Johnson A., Kerr, Lawson, Leas, Leonard, Mayson, Mask, Musgrove, Miles, Moore, Mygatt, McKee, McKnight, Nesbitt, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Powell, Quinn, Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stricklin, Stringer, Stiles, Toy, Vaughan, Warner, Weir, Williams, Woodmansee, and Yeoman—69.

The following delegates were absent:

Messrs. Beam, Castello, Collins, Conley, Field, Goss, Gray, Hemmingway, Holland, Jones, Lack, Longmire, Montgomery, Morgan, Myers, McCutchen, Neilson, Nelms, Peyton E. G., Phillips, Stovall, Townsend, Walker, Watson—24.

Journal of Saturday read and approved.

Reports of standing committees being in order, the committee on Printing made the following report:

*To the President and Members of the Convention:*

The committee on Printing, after carefully examining and comparing former rates and contracts for such work, respectfully ask leave to recommend that the following rates of compensation be allowed the official printer of this Convention:

SECTION 1. For the first five hundred copies of the Journal of the Convention, in book form, printed in brevier type, each page to be printed in double columns, fifty-five lines in length, and thirty-six ems in width, to be folded and stitched, with paper covers, in the ordinary style, five dollars for each page of type, and for every five hundred additional copies three dollars per page of type, and in the same proportion for fractions of five hundred copies.

SEC. 2. For all documents, reports, or other matter than the Journal of the Convention, printed in book or pamphlet form, composed in brevier type, the pages to be the same length and breadth as the Journal, five dollars per page of type for the first two hundred copies, and every additional or fraction thereof; three dollars per page for resolutions, memorials and reports of committees printed on foolscap or similar sized paper, thirty-six ems wide, and forty printed lines in length, for the first one hundred copies, eight dollars per page, and for each additional hundred copies, or fraction thereof, four dollars per page; for all matter marked official, and published in the Journal, seventy-five cents per square of ten lines for the first insertion, and twenty-five cents for each subsequent insertion.

SEC. 3. That the official Journal of this Convention be published in the following additional newspapers: *Vicksburg Republican* and *Meridian Chronicle;* said Journals to be taken by said papers from the official report as published in the official organ, to be paid for at the same rates allowed the Official Printer.

SEC. 4. Your Committee would state that the estimate is at lower rates than has heretofore been allowed for similar work, while the price of composition and cost of printing material is now much higher. Your Committee would, therefore, advise that these rates be allowed, and that the number of the Journal ordered in book form be five hundred copies.

SEC. 5. All the printing ordered by this Convention shall be executed under the supervision of the Chairman of the Committee on Printing, in order that the same shall be performed in a correct and proper manner, and that all bills of the Official Printer of this Convention, be approved by the Committee on Printing, in accordance with the rates fixed by this ordinance.

SEC. 6. That no printing ordered by this Convention shall be executed by the Official Printer, unless accompanied by a copy of the resolution wherein the same is authorized.

BENJ. H. ORR, *Chairman,*
J. A. MOORE,
U. OZANNE,
N. J. CHAPPELL,
D. N. QUINN,
*Committee.*

Report received, and one hundred copies ordered to be printed.

The Committee on Public Education submitted the following report:

MR. PRESIDENT: The Committee on Public Education respectfully submit the following unanimous report, and ask that it be made a part of the Constitution of Mississippi.

CHAS. W. CLARKE,
*Chairman.*

## EDUCATION.

SECTION 1. The stability of a republican form of government, depending mainly upon the intelligence and virtue of the people, it shall be the duty of the General Assembly to encourage, by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvements, by establishing a uniform system of free public schools, by taxation or otherwise, for all children between the ages of five and twenty-one years, and shall, as soon as practicable, establish schools of higher grade.

SEC. 2. There shall be a Superintendent of Public Education elected by the people at the same time and manner as the Governor, who shall have the qualifications of the Secretary of State, and hold his office for four years, and until his successor shall be elected and duly qualified; whose duties shall be the general supervision of the common school funds and the educational interest of the State, and shall perform such other duties pertaining to his office, and receive such compensation as shall be prescribed by law; he shall report to the General Assembly for its adoption, within twenty days after its first session under this Constitution, a uniform system of free public schools.

SEC. 3. There shall be a Board of Education consisting of the Secretary of State, the Attorney General, and the Superintendent of Public Education, for the management and investment of the school funds, and perform such other duties as are prescribed by law. The Superintendent and one other of said Board shall be a quorum.

SEC. 4. There shall be a Superintendent of Public Education appointed for each county, by the State Superintendent of Education, whose term of office shall be two years, and whose compensation and duties shall be prescribed by law.

SEC. 5. A school shall be maintained in each school district at least four months in each year. Any school district neglecting to maintain such school, shall be deprived, for that year, of its proportion of the income of the free school fund, and of all funds arising from taxes for the support of schools.

SEC. 6. There shall be established a Common School Fund, which shall consist of the proceeds of lands now belonging to the State heretofore granted by the United States, and the lands known as the "swamp lands," and of all lands now or hereafter vested in the State by escheat or purchase or forfeiture for taxes; and the clear proceeds of all fines collected in the several counties, for any breach of the penal laws, and all moneys received for licenses granted for the sale of intoxicating liquor, or keeping of dram shops. All moneys paid as an equivalent for persons exempt from military duty, and the funds arising from the consolidation of the congressional township funds and the lands belonging thereto, together with all moneys donated to the State for school purposes, shall be securely invested in United States bonds, and remain a perpetual fund, which may be increased, but not diminished; the interest of which shall be inviolably appropriated for the support of free schools.

SEC. 7. The General Assembly may levy a poll-tax not to exceed two dollars *per capita*, in aid of the school fund, and for no other purpose.

SEC. 8. The General Assembly shall, so far as it can be done without infringing upon vested rights, reduce all moneys, lands and other property used or held for school purposes in the various counties of the State, into the public School Fund herein provided for free school purposes, and make such distribution as will equalize the amount appropriated for school purposes throughout the State.

SEC. 9. The General Assembly shall, as soon as practicable, provide for the establishment of an Agricultural College, and shall appropriate the two hundred and ten thousand acres of land donated to this State for the support of such a College, by the act of Cougress, passed July 2, 1865, or the money or scrip, as the case may be, arising from the sale of said lands or any lands which may hereafter be granted or appropriated for such purpose

SEC. 10. No religious sect or sects shall ever controll any part of the school or university funds of this State.

SEC. 11. The General Assembly shall levy, at each regular session after the adoption of this Constitution, an annual tax of not less than one and a half mills, or more than two and a half, on each dollar of the taxable property throughout the State for the support of free public schools, which tax shall be collected at the same time, and by the same agents, as the general State levy, and shall be paid into the Treasury of the State, and shall be distributed under such regulations as may be prescribed by law, among the counties and cities in proportion to their respective populations between the ages of five and twenty-one years. Any person over twenty-one years of age shall not be excluded from the privileges of attending the public schools; *Provided*, He shall pay an amount of tuition equal to the amount of money allowed by law to each child between the above ages; *Provided further*, That the fund herein provided shall be exclusively applied to the payment of the salary of the teacher.

CHAS. W. CLARKE,
*Chairman.*
H. N. BALLARD,
M. H. LACK,
HENRY MAYSON,
CARLOS CHAPMAN,
N. B. BRIDGES,
HENRY W. WARREN,
J. R. PARSONS,
S. H. POWELL,
H. P. JACOBS,
D. MCA. WILLIAMS,
ISHAM STEWART,
WM. YEOMAN, *Committee.*

Report received and one hundred copies ordered printed.

The committee in reference to certain charges against Gen. W. H. Barry, submit the following report, and ask that it be received, and the committee be discharged from the further consideration of the same:

*To the Honorable President and Members of the Constitutional Convention of Mississippi:*

GENTLEMEN—The undersigned, a special committee, to whom was delegated the duty of investigating charges of a most serious character, preferred through the colums of the *LaCrosse Democrat, Lexington Advertiser*, and other newspapers, against the Hon. H. W. Barry, delegate to this Convention from Holmes county, would respectfully report:

That letters were addressed by your committee, enclosing copies of the resolutions adopted by your honorable body, in reference to an investigation of said charges to the editors of the above named newspapers, with the request that all documents, or other evidence in their possession, tending in any manner to the substantiation of the published charges, be brought before your committee. The letters above referred to, were dated and mailed on the 18th of January, the time allowed being, in our opinion, amply sufficient to enable the parties to produce their proofs; but it appears to us, from the fact of their neglect and refusal to embrace the opportunity afforded, that a fair, honorable, and impartial investigation was not their desire.

We would further report, that documents and letters from members of Congress, officers of the United States Army, and other gentlemen of acknowledged political and social position, the signatures of some of whom are known to us, and the genuineness of which cannot be doubted, have been submitted for our inspection. These letters are of a most flattering character, and, in the opinion of your committee, establish in the most satisfactory and conclusive manner, the character of Gen. H. W. Barry, as a gentleman, a man of honor, and a gallant and patriotic soldier. We would more particularly refer to a letter from W. H. Randall, of Loudon, Kentucky, wherein he denies, in positive terms, that he was ever deceived by Gen. Barry in the matter of procuring his brevet rank as a Major-General of Volunteers, as has been charged in the newspapers herein referred to. It is also stated in said letter, that James McBride, who is now engaged in an attempt to villify and traduce, through motives of personal revenge, the reputation of an honorable gentleman, was one of the first, if not the first, to urge his claims.

Your committee would therefore report, that after a thorough investigation, we are firmly of the opinion that the charges against and the reflections upon the character and reputation of Gen. H. W. Barry, as published through the columns of the *LaCrosse Democrat*, *Lexington Advertiser*, and other journals, are libelous, malicious, and totally devoid of truth.

Your committee would further report, that they have received a communication from M. M. Pomeroy, the so-called editor of that very virtuous and respectable journal, the *LaCrosse Democrat*, a copy of which is hereunto annexed for the edification and instruction of whom it may concern.

A. T. Morgan,
Benj. H. Orr,
D. McA. Williams,
*Committee.*

LACROSSE, WIS , January 24, 1868.

*A. T. Morgan, and others, Committee:*

GENTS -Your favor of the 18th of January, inquiring into the charges against Mr. Barry, delegate to your Convention from Holmes county, Miss., and asking who is the author of a letter concerning him which lately appeared in the *LaCrosse Democrat*, is before me. The name of the author is of course known to me, and held sacred, in accordance with a rule of this office—*never yet, and never to be broken!*

Denying the right of your Constitutional Convention (so-called) to interfere with affairs in Wisconsin, especially in matters that would cause me to break faith with my correspondent, whose statements I believe, your request is politely ignored.

Thine for the Right,
M. M. POMEROY,
*Editor of Democrat.*

Respectfully submitted,
A. T. MORGAN,
*Chairman.*

Report received and committee discharged.

Mr. Ballard offered the following:

WHEREAS, This Convention has declared that no county taxes in excess of one hundred per cent. on the State tax, shall be levied; and

*Whereas*, At the time of the passage of that ordinance many persons had already paid county taxes considerably in excess of one hundred per cent. on the State tax; therefore, be it

*Resolved*, That the several Sheriffs and Collectors be instructed to refund to such persons said excess, or to allow it to go for that amount in payment of any taxes due.

Mr. Combash moved to lay on the table;

Which was carried.

Mr. Orr offered the following:

WHEREAS, The tax ordinance adopted by this Convention does not provide for the receipt, by the Tax Collectors therein appointed, of the warrants issued by this Convention in payment of said tax; therefore, be it

*Resolved*, That the Treasurer be, and he is hereby authorized and instructed to notify the Tax Collectors of the various counties to receive, at their face value, the warrants issued by this Convention in payment of the special tax levied by said ordinance.

Which was adopted

Mr. Parsons, of Hinds, offered the following:

*Resolved*, That a special committee of five be appointed to ascertain the nature and amount of government lands subject to entry, situated in the different counties in this State, and report the same to this Convention, together with such information as may be necessary to facilitate the settlement and cultivation of said lands.

Mr. Compton moved to lay on the table; which was lost.

Mr. Combash moved the previous question;

Which was sustained.

And the resolution was adopted.

Mr. James Elliott offered the following:

WHEREAS, The State of Mississippi, having been under a bogus provisional government, for the last six years; and

*Whereas*, A large amount of litigation and pecuniary embarrassments have accumulated to a fearful extent, connected with a large amount of indebtedness contracted before the war, and the means of liquidating such debts being utterly swept away; and

*Whereas*, The relief offered by Congress in bankruptcy only relieves a certain class of citizens leaving a large majority in pecuniary distress, not being able to avail themselves of the act of bankruptcy; therefore, be it

*Resolved by this Convention*, That the Legislature, at its first session, shall pass a stay law of ninety-nine years, including all debts, contracts, judgments, deeds of trust, and mortgages, that may have been entered into, or which took place prior to the adoption of this Constitution—tax and labor done, excepted.

Mr. Alcorn offered the following amendment:

"No real estate shall be sold under an execution for debts contracted prior to the first of April, 1865, unless it brings the assessed value of January, 1860. The Circuit Court shall not have jurisdiction of any suit upon a record of a judgment or decree in this or any other State founded on any contract for the sale of slaves."

Unfinished business, being a resolution of Mr. Cunningham in reference to the reports of standing committees to be made on February 3d, it was, on motion, laid on the table.

The motion of Mr. Compton to refer the ordinance of Mr. Bridges, in reference to changing names of certain towns and counties in this State, was taken up.

Mr. Compton moved to strike out the word "Jones," where it occurs, and insert "Bridges," the author of the ordinance.

Mr. Morgan moved to lay on the table;

Which was carried.

Mr. Cunningham moved to suspend the rules so as to take up the report of the committee on the Judiciary.

Mr. Parsons moved to lay on the table;

Which was carried.

Mr. Morgan moved that the Convention proceed to the consideration of the letter of Mr. Orr, chairman of the committee on Printing, which was done, and the suggestions therein contained were adopted.

Leave of absence was granted to Mr. Beam for one day.

Mr. Orr offered the following:

*Resolved*, That on and after the forty-fifth day of the session of this Convention the per diem of all its members shall cease; *Provided*, This Convention shall not adjourn until a Constitution for this State shall have been framed and adopted by this Convention.

The yeas and nays were called, upon a motion to lay on the table, and resulted as follows:

YEAS—Messrs. Brinson, Chapman, Combash, Cunningham, Fitzhugh, Hauser, Herbert, Jacobs, Johnson A., Leas, Mygatt, McKnight, Powell, Stites, Toy, Yeoman—16.

NAYS—Messrs. Alcorn, Bonney, Bridges, Chappell, Clarke, Compton, Dalton, Dowd, Drane, Elliott John, Elliott James, Gaither, Gibbs, Handy, Howe, Hutto, Lawson, Leonard, Mayson, Mask, Musgrove, Moore, Morgan, Nesbitt, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Quinn, Rails back, Rainey, Richardson, Smith, Stewart, Stricklin, Stringer, Stiles, Vaughan, Warren, Williams, Weir—43.

Mr. Orr moved to adopt the resolution.

Mr. Gibbs offered an amendment as follows: to strike out the word "adopt," and insert "refer to committee on Printing."

Pending which, the Convention adjourned until to-morrow morning, 10 o'clock.

T. P. SEARS,
*Secretary.*

## TWENTY-FIFTH DAY.

JACKSON, MISS., Tuesday, February 4th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Compton, Cunningham, Dalton, Dowd, Drane, Elliott of Itawamba, Elliott of Monroe, Fawn, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Howe, Hutto, Jacobs, Jamison, Johnson A., Jones, Kerr, Lawson, Leas, Leonard, Longmire, Mayson, Mask, Musgrove, Miles, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Nesbitt, Newsom, Orr, Ozanne, Parsons of Adams, Parsons of Hinds, Peyton of Hinds, Powell, Quinn, Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stricklin, Stringer, Stiles, Toy, Warren, Weir, Williams, Woodmansee, and Yeoman—73.

The following delegates were absent:

Messrs. Collins, Conley, Field, Goss, Gray, Hemmingway, Holland, Johnson S., Lack, Montgomery, Merryman, McCutchen, Neilson, Nelms, Peyton E. G., Phillips, Stovall, Townsend, Walker, and Watson—20.

Journal of yesterday read and approved.

Reports of standing committees being in order, the following was submitted from the committee on Bill of Bights:

## BILL OF RIGHTS.

We, the people of Mississippi, in Convention assembled, grateful to Almighty God for all the blessings of liberty He has permitted us to enjoy, deeming the formation of a Constitution important to the full protection and enjoyment of all our civil, religious and political rights, do ordain, as follows:

SECTION 1. All persons resident in this State, born in the United States or naturalized, or who shall have legally declared their intention to become a citizen of the United States, are hereby declared citizens of the State of Mississippi, possessing equal civil and political rights, and public privileges.

SEC. 2. No person shall be deprived of life, liberty or property, except by due process of law.

SEC. 3. The writ of *habeas corpus* shall only be suspended in case of invasion or rebellion.

SEC. 4. The freedom of speech, and of the press shall be held sacred, and in all indictments for libel, the jury shall have the right to determine the law and the facts, under the direction of the court.

SEC. 5. No person's life or liberty shall be placed in jeopardy by a second trial for the same offense.

SEC. 6. The right of the people peaceably to assemble and petition the government on any subject, shall never be impaired.

SEC. 7. All persons charged with crime, may demand a speedy trial, a copy of the accusation, counsel for defense, compulsory power to send for witnesses in his favor, and be confronted by the witnesses against him.

SEC. 8. Excessive bail shall not be required, and all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or presumption great.

SEC. 9. There shall be no laws impairing the obligation of of contracts or retroactive laws.

SEC. 10. The right of way when the public good requires it, for roads, internal improvements, depots, stations, and also sites for educational purposes, shall be granted by the owners thereof, and he or they shall accept the award of three Commissioners, whose appointment shall be determined by law.

SEC. 11. There shall be no imprisonment for debt.

SEC. 12. The right of trial by jury shall be inviolate.

SEC. 13. No property qualification shall ever be required to become a juror.

SEC. 14. The people shall be secured in their persons, houses, and possessions from unreasonable seizures or search, and no warrant shall be issued without probable cause supported by oath or affirmation, and a special designation of the place to be searched and the person or thing to be seized.

SEC. 15. Every person shall have a right to keep and bear arms for their common defense.

SEC. 16. The products of the soil shall be exempt from State and county taxation.

SEC. 17. The right of married women shall be protected by law, for property owned previous to marriage and also for all property inherited or devised since marriage.

SEC. 18. No property qualification shall be required for holding any office of honor, profit or trust in this State.

SEC. 19. No property or educational qualification shall ever be required to become an elector, and suffrage shall be protected by law, regulating elections and prohibiting all undue influences from power, bribery, tumult, or other improper conduct.

SEC. 20. No person elected or appointed to any office of honor, profit, or trust, shall be required to give bonds; but any embezzlement or defalcation, shall be a penitentiary offense, the duration thereof to be determined by law.

SEC. 21. No slavery or involuntary servitude, no system of peonage and no binding out of children against the wishes or will of their parents or guardians, or any other person having charge of them, shall ever be tolerated in this State.

SEC. 22. The death penalty shall not be inflicted for any crime known to our laws, but in lieu thereof, the criminal shall be confined in the penitentiary for life, or not less than twenty years, as the court shall decide.

SEC. 23. The right peaceably to withdraw from the Federal Union, on account of any real or supposed grievances, shall never be assumed by this State, nor shall any law be passed in derogation of the paramount allegiance of the citizens of this State to the government of the United States.

SEC. 24. No person who conscientiously scruples to bear arms, shall be compelled to do so, but may pay an equivalent for personal service.

SEC. 25. No public money or moneys shall be appropriated for any charitable or other public institutions in this State, making any distinction among the citizens thereof.

SEC. 26. No distinction shall ever be made by law between resident aliens in reference to possession, enjoyment or descent of property.

SEC. 27. No religious test shall ever be required as a qualification for any office of public trust under the State, and no person shall be rendered incompetent to give evidence in any court of law or equity in consequence of his opinions on the subject of religion.

SEC. 28. The right of all citizens to travel shall not be infringed upon nor in any manner abridged in this State.

SEC. 29. The military shall be in strict subordination to the civil power.

SEC. 30. Treason against the State shall consist only in levying war against the same, or in adhering to its enemies giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 31. No person's life shall be periled by the practice of duelling, but the most stringent laws shall be passed at the next Legislature against the two-fold crime of suicide and murder.

SEC. 32. This enumeration of certain rights, shall not impair or deny others retained by the people.

Respectfully submitted,

A. MYGATT,
*Chairman.*

The committee on Destitution submitted the following report:

*To the Honorable President and Members of the Convention:*

The committee appointed to inquire into the destitute condition of a portion of the citizens of this State, and the best means of present and permanent relief to the same, report as follows, to-wit:

That they have called upon the delegates of this Convention for information in regard to the condition of the citizens of their respective counties, and have examined their reports on that subject, and find that there exists, at this time, nearly all over this State, an alarming state of destitution among the laboring classes, and to some extent, among other persons, strangers to labor and economy.

From a careful investigation of this subject, we have been induced to set down the number of the destitute and suffering at thirty thousand. This we regard as a low estimate for the suffering and destitute, but the number of those in straightened and needy circumstances, may safely be set down at not less than forty thousand. We find eleven counties free from distress and suffering, and in nearly all the rest there is more or less destitution, and in some, it is bordering on starvation.

It becomes us in the discharge of our duty, to point out some present and permanent mode of relief for this truly alarming condition of the destitute citizens of this State. This is by no means an easy task, and has caused us much serious thought and reflection.

But after listening to many suggestions from different persons in and out of this Convention, we have thought best to recommend the following plan of present relief as the best we can devise, to wit: That the Sheriffs of the several counties in this State be authorized by this Convention to hold, subject to the order of a commissioner to be appointed by this Convention for said counties, the poll-tax collected or to be collected by said Sheriffs, to be applied by said commissioners to the relief of destitute persons in their respective counties, requiring of said persons, if able-bodied, to work on the public roads, or some other public works of the county, simply supplying such destitute persons with sufficient food and clothing to keep them warm, and this to be continued only till they can get employment and wages elsewhere, to keep them from starvation, and that a strict account be kept by said commissioner of all the money expended by him in support of said persons, and that he be required to superintend and direct the labor of such indigent and destitute persons, and report to the President of said Boards of Police, at least once a month, the number and condition of those so employed and relieved, as aforesaid, and to receive such compensation as the Boards of Police may direct, not to exceed four dollars per day.

Mr. Gibbs moved to receive the report;

Which was carried.

Mr. Gibbs moved the adoption of the report as read, so far as relates to temporary relief.

And the reading being called for, so much as relates to permanent relief, was dispensed with.

The previous question being called, it was sustained.

And on motion of Mr. Hauser, a call of the Convention was had.

Mr. Weir offerred the following as an amendment:

Strike out "Board of Police" wherever it occurs in the report, and insert "County Commissioner" instead.

A motion was made to lay the original and amendment on the table;

Which was lost.

Pending the consideration of the matter, the hour of 12 o'clock having arrived, the President announced the special order of the day.

The Rules were suspended in order to allow the standing committee on Legislative Department to report.

Mr. Orr moved to recommit, so that the Committee may have time to make a full report;

Which was lost.

The report is as follows:

*To the President and Members of the Constitutional Convention, of the State of Mississippi:*

Your Committee on Legislative Department, respectfully ask leave to present for your consideration the following report:

H. W. Barry, *Chairman,*
W. H. Gibbs,
W. V. McKnight,
Thos. W. Stringer,
Henry W. Warren,
Robt. J. Alcorn,
*Committee.*

## LEGISLATIVE DEPARTMENT.

Section 1. The legislative power of this State shall be vested in the General Assembly, which shall consist of a Senate and House of Representatives.

Sec. 2. The House of Representatives shall consist of members to be chosen every second year by the qualified electors of the several counties.

Sec. 3. No person shall be a member of the House of Representatives, who shall not be an elector under this Constitution, and who shall not, at the time of his election, have an actual residence in the district he may be chosen to represent.

Sec. 4. The Senate shall consist of members to be chosen every four years by qualified electors of the several districts.

Sec. 5. No person shall be a Senator who shall not have attained the age of twenty-five years; who shall not have been an inhabitant of the State one year, and who shall not have an actual residence in the district he may be chosen to represent.

Sec. 6. The political year shall begin on the first day of January, and the General Assembly shall meet annually on the first Tuesday in January, at the seat of government, unless sooner convened by the Governor, until altered by law.

Sec. 7. All general elections shall be by ballot, and shall commence and be holden every two years, on the first Tuesday in November, until altered by law; and the electors, in all cases except treason, felony, and breach of the peace, shall be privileged from arrest during their attendance on elections, and in going to and returning therefrom.

Sec. 8. Elections for members of the General Assembly shall be held in the several districts, and at the several election precints, as established by law.

Sec. 9. The Governor shall issue writs of election to fill such vacancies as shall occur in either house of the General Assembly; and the persons thereupon chosen shall hold their seats as long as those in whose stead they are elected might have done, if such vacancies had not happened.

Sec. 10. No member of Congress, nor any person holding an office under this State, or the United States, except officers usually appointed by the courts of justice, respectively, attorneys at law, and officers in the militia, holding no disqualifying office, shall, during his continuance in Congress, or in office, be a Senator or Representative.

Sec. 11. Each house shall appoint its own officers, and shall judge of the qualifications, returns, and election, of its own members.

Sec. 12. The Senate shall choose a President *pro tempore*, to act in the absence or disability of the Lieutenant Governor.

Sec. 13. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house shall provide.

Sec. 14. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 15. Each house may determine rules of its own proceedings, punish its own members for disorderly behavior, and with the concurrence of two-thirds of the members present, expel a member; but no member shall be expelled a second time for the same offense. They shall each, from time to time, publish a journal of the proceedings, except such parts as may, in their opinion, require secrecy; and the yeas and nays on any question shall be entered on the Journal at the request of one tenth of the members present.

SEC. 16. The door of each house, when in session, or in committee of the whole, shall be kept open, except in cases which may require secrecy; and each house may punish, by fine and imprisonment, any person not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behaviour in their presence, or in any way disturb their deliberations during the session; but such imprisonment shall not extend beyond the final adjournment of that session,

SEC. 17. Whenever an officer, civil or military, shall be appointed by the joint or concurrent vote of both houses, or by the separate ballot of either house of the General Assembly, the vote shall be given by ballot and entered on the Journal.

SEC. 18. No person who now is, or shall be hereafter, a collector or holder of public money, nor any assistant or deputy of such holder or collector of public money, shall be eligible to a seat in either house of the General Assembly, nor to any office of profit or trust until he shall have accounted for and paid over all sums for which he may have been liable.

SEC. 19. The General Assembly shall exclude from every office of trust and profit, and from the right of suffrage within this State, all persons convicted of bribery, perjury, or other infamous crimes.

SEC. 20. Every person who shall have been convicted of directly or indirectly giving or offering any bribe, to procure his election or appointment, shall be disqualified from holding any office of trust or profit in this State; and any person who shall give or offer any bribe to procure the election or appointment of any person, shall, on conviction thereof, be disqualified from being an elector, or from holding any office of trust or profit under the laws of this State.

SEC. 21. The Senators and Representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the General Assembly, and for fifteen days before the commencement and after the termination of each session.

SEC. 22. The members of the General Assembly shall severally receive from the public Treasury, compensation for their services, which may be increased or diminished; but no alteration of such compensation of members shall take effect during the session at which it is made.

SEC. 23. The General Assembly shall direct, by law, in what courts and in what manner suits may be commenced against the State.

SEC. 24. The General Assembly shall not have power to pass any bill of divorce; but may prescribe by law the manner in which cases shall be investigated in the courts of justice, and divorces granted.

SEC. 25. Laws may be passed excluding from the right of suffrage, persons who have been or may be convicted of infamous crimes.

SEC. 26. Bills may originate in either house, and be amended or rejected in the other; and every bill shall be read on three different days in each house, unless two-thirds of the house where the same is pending, shall dispense with the rules; and every bill having passeed both houses, shall be signed by the President of the Senate and the Speaker of the House of Representatives, in open session.

SEC. 27. Every bill which shall have passed both houses, shall be presented to the Governor; if he approves, he shall sign it, but if he shall not approve, he shall return with his objections, to the house in which it shall have originated, who shall enter the objections at large upon their Journal, and proceed to reconsider it; if, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent with the objections to the other house, by which likewise it shall be reconsidered, and if approved by two-thirds of that house, it shall be a law; but in such cases the votes of both houses shall be determined by yeas and nays, and the names of persons voting for or against the bill, shall be entered on the journals by each house respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted), after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevented its return, in which case it shall be a law, unless sent back within three days after their next meeting.

SEC. 28. Every order, resolution or vote, to which the concurrence of both houses may be necessary (except on the question of adjournment), shall be presented to the Governor, and before it shall take effect to be approved by him, or being disapproved, shall be repassed by a two-thirds vote of both houses, according to the rules of limitations prescribed in all cases of a bill.

SEC. 29. No money shall be drawn from the Treasury but in consequence of appropriations made by law.

SEC. 30. The House of Representatives shall have the sole power of impeachment, but two-thirds of all the members must concur in an impeachment. All impeachments shall be tried by the Senate, and when sitting for that purpose, the Senators shall be upon oath or affirmation, to do justice according to law and evidence.

SEC. 31. The Governor and all other civil officers under this State, shall be liable to impeachment for treason, bribery or any high crime or misdemeanor in office.

SEC. 32. When the Governor shall be tried, the Chief Justice of the Supreme Court shall preside, and no person shall be convicted without the concurrence of two-thirds of all the Senators.

SEC. 33. Judgment in such cases shall not extend farther than removal from office and disqualification to hold any office of honor, trust, or profit, under this State; but the party convicted shall nevertheless be subject to indictment, trial, judgment, and punishment according to law.

SEC. 34. For reasonable cause, which shall not be sufficient ground of impeachment, the Governor shall, on the joint address of two-thirds of each branch of the General Assembly, remove from office the Judges of the Supreme and inferior courts; *Provided*, The cause or causes of removal be spread on the Journal, and the party charged be notified of the same, heard by himself and counsel before the vote is finally taken and decided.

SEC. 35. Treason against this State shall consist only in levying war against it, or in adhering to the enemies of the government, giving them aid or comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 36. The style of the laws of the State shall be, "Be it enacted by the General Assembly of the State of Mississippi."

SEC. 37. The General Assembly shall provide for the enumeration of the whole number of inhabitants, and of the qualified electors of the State, once in every five years; and the first enumeration shall be made A. D. 1869.

SEC. 38. The number of Representatives shall, at the several periods of making such enumeration, be apportioned among the several counties or districts, according to the number of qualified electors in each, and shall not be less than one hundred, nor more than one hundred and twenty; *Provided*, That each county or district having three-fourths of the ratio required, shall be entitled to one member; and that after the first enumeration as provided for by this Constitution, each county shall be entitled to, at least, one Representative.

SEC. 39. The number of Senators shall, upon each enumeration made, be apportioned according to the number of qualified electors in the several districts, and shall never be less than one-fourth, nor more than one third the whole number of Representatives.

SEC. 40. Until the first enumeration and a new apportionment shall be made, as provided and directed in this Constitution, the apportionment of Senators and Representatives, among the several counties and districts in this State shall be as follows:

### HOUSE OF REPRESENTATIVES.

1st. The county of Warren, five Representatives.

2d. The counties of Hinds and Lowndes, each four Representatives.

3d. The counties of Adams, Carroll, DeSoto, Holmes, Madison, Marshall, Monroe, Noxubee, Tishomingo, and Yazoo, each three Representatives.

4th. The counties of Attala, Chickasaw, Choctaw, Claiborne, Copiah, Jefferson, Lafayette, Lauderdale, Lee, Oktibbeha, Panola, Tippah, Washington, Wilkinson, and Yalobusha, each two Representatives.

5th. The counties of Amite, Bolivar, Calhoun, Clarke, Franklin, Issaquena, Itawamba, Jasper, Kemper, Lawrence, Leake, Pontotoc, Pike, Sunflower, Scott, Tallahatchie, and Winston, each one Representative.

6th. The counties of Rankin and Simpson, three Representatives.

7th. The counties of Coahoma and Tunica, two Representatatives.

8th. The counties of Newton and Neshoba, two Representatives.

9th. The counties of Covington and Smith, one Representative.

10th. The counties of Wayne and Davis, one Representative.

11th. The counties of Greene and Jackson, one Representative.

12th. The counties of Hancock and Marion, one Representative.

13th. The counties of Harrison and Perry, one Representative.

## SENATE.

Sec. 41. The counties of Hancock, Harrison, Jackson, Marion, Greene, and Perry, shall form the First District, and elect one Senator.

2d. The counties of Wilkinson and Amite, the Second District, and one Senator.

3d. The counties of Pike, Lawrence, Covington, and Davis, the Third District, and one Senator.

4th. The county of Adams, the Fourth District and one Senator.

5th. The counties of Franklin and Jefferson, the Fifth District, and one Senator.

6th. The counties of Claiborne and Copiah, the Sixth District, and one Senator.

7th. The counties of Warren and Issaquena, the Seventh District, and two Senators.

8th. The county of Hinds, the Eight District, and one Senator.

9th. The counties of Rankin and Simpson, the Ninth District, and one Senator.

10th. The counties of Smith, Jasper, Clarke, and Wayne, the Tenth District, and one Senator.

11th. The counties of Lauderdale and Kemper, the Eleventh District, and one Senator.

12th. The counties of Newton, Neshoba, and Scott, the Twelfth District, and one Senator.

13th. The counties of Leake, and Madison, the Thirteenth District, and one Senator.

14th. The county of Yazoo, the Fourteenth District, and one Senator.

15th. The counties of Washington and Sunflower, the Fifteenth District, and one Senator.

16th. The county of Holmes, the Sixteenth District, and one Senator.

17th. The counties of Attala and Winston, the Seventeenth District, and one Senator.

18th. The county of Noxubee, the Eighteenth District, and one Senator.

19th. The counties of Lowndes and Oktibbeha, the Nineteenth District, and two Senators.

20th. The counties of Choctaw and Carroll, the Twentieth District, and two Senators.

21st. The county of Monroe, the Twenty-first District, and one Senator.

22d. The counties of Calhoun and Yalobusha, the Twenty-second District, and one Senator.

23d. The county of Chickasaw, the Twenty-third District, and one Senator.

24th. The counties of Bolivar, Coahoma, and Tunica, the Twenty-fourth District, and one Senator.

25th. The counties of Panola and Tallahatchie, the Twenty-fifth District, and one Senator.

26th. The county of DeSoto, the Twenty-sixth District, and one Senator.

27th. The county of Marshall, the Twenty-seventh District, and one Senator.

28th. The counties of Lafayette and Pontotoc, the Twenty-eighth District, and one Senator.

29th. The counties of Lee and Itawamba, the Twenty-ninth District, and one Senator.

30th. The counties of Tippah and Tishomingo, the Thirtieth District, and one Senator.

SEC. 42. The Senators on being convened in consequence of the first election, shall be divided by lot from their respective Districts into two classes as nearly equal as can be; and the seats of the first class shall be vacated at the expiration of the second year.

SEC. 43. The General Assembly, shall provide for the organization of new counties, locating county seats, and changing county lines; but no county seat shall be changed without the consent of the majority of the electors of the county; nor any county organized, nor the lines of any county changed so as to include an area of less than four hundred, no more than six hundred and twenty-five square miles.

Report received, and one hundred copies ordered to be printed, and made the special order for the 6th.

Unfinished business came up for consideraiion, being the amendment of Mr. Gibbs to refer to the committee on Printing, a resolution in reference to the per diem of members leasing after the forty-fifth day.

A motion was made to lay on the table;

Which was lost.

The Convention adjourned until to-morrow morning at 10 o'clock.

T. P. Sears,
*Secretary.*

## TWENTY-SIXTH DAY.

Jackson, Miss., Wednesday, February 5th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Compton, Cunningham, Dalton, Dowd, Drane, Elliott John, Elliott James, Field, Fitzhugh, Gaither, Gibbs, Handy, Hauser, Holland, Howe, Hutto, Jacobs, Jamison, Johnson A., Jones, Kerr, Lawson, Leas, Leonard, Longmire, Mayson, Mask, Musgrove, Miles, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Nesbitt, Newsom, Orr, Ozanne, Parsons of Adams, Parsons of Hinds, Peyton of Hinds, Powell, Quinn, Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stricklin, Stringer, Stiles, Toy, Vaughan, Warren, Weir, Williams, Woodmansee, and Yeoman—74.

The following delegates were absent:

Messrs. Collins, Conley, Fawn, Goss, Gray, Hemmingway, Herbert, Johnson S., Lack, Montgomery, McCutchen, Neilson, Nelms, Peyton of Copiah, Phillips, Stovall, Townsend, Walker, Watson—19.

Mr. Compton asked an extension of one day to Mr. Townsend's leave of absence;

Which was granted.

Convention adjourned to meet to-morrow morning, at 10 o'clock.

T. P. Sears,
*Secretary.*

## TWENTY-SEVENTH DAY.

JACKSON, MISS., Thursday, February 6th, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Compton, Cunningham, Dalton, Dowd, Drane, Elliott John, Elliott James, Fawn, Field, Fitzhugh, Gibbs, Goss, Gray, Handy, Hauser, Herbert, Holland, Howe, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Jones, Kerr, Lawson, Leas, Leonard, Longmire, Mayson, Mask, Musgrove, Merryman, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Nesbitt, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stricklin, Stringer, Stiles, Toy, Vaughan, Warren, Weir, Williams, Woodmansee, and Yeoman—76.

The following delegates were absent:

Messrs. Barry, Collins, Conley, Gaither, Hemmingway, Lack, Miles, McCutchen, Neilson, Nelms, Peyton E. G., Phillips, Powell, Quinn, Stovall, Townsend, and Watson—17.

Journal of yesterday read and approved.

Leaves of absence were granted to Mr. Miles for ten days; also to Mr. Powell for ten days.

Reports of standing committees being in order, Mr. Herbert, of the Judiciary Committee, submitted a minority report:

*To the Hon. President and Members of the Convention:*

The undersigned, one of the committee on the Judiciary Department, would now, according to previous notice, bring in, and beg leave to make the following minority report, differing, in what are regarded by the undersigned, important and essential features, from the majority report.

The undersigned, in the main, is opposed to the appointment of any permanent civil officer, except by the people's election at the polls. It is believed to be the wisest and the best, with short terms of service. It has been tried, and it has succeeded; and yet, as one man should not expect to have everything his own way, the appointing power of the Governor and Senate is yielded to all the higher judicial officers to fill the first terms under the new Constitution, after which, it is proposed that the Legislature shall have power to authorize said offices to be filled by election.

This report differs from the majority report as to the term of service of the Judges of the highest judicial tribunal. There are reasons, it is true, for giving a somewhat longer term to the higher offices; but there are none for giving any one an unreasonably long term. Nine years are too long for any officer to sit in his place, independent of his constituents. It has a healthful effect to bring those who would hold the offices, in close proximity, at short intervals, with the voters. Each learns of the other, and thus both parties are benefitted. It rubs off prejudices and dislikes, and impresses them with the important understanding that they all belong to the same great human family.

The separate courts sought to be established by the majority report, are deemed wholly unnecessary, if not entirely useless, in the present condition of the country. The State of Mississippi, long ago, before secession was seriously thought of, tried the separate Chancery system. We had one Chancellor, and one court at Jackson for the entire State. It did not work well. It did not answer the purpose, and the Legislature, with the approbation of the people, added to that several District Chancery Courts, and established them at convenient places throughout the State. This arrangement still did not answer the purpose, and the Legislature, once more, changed the system, and gave the jurisdiction to the Circuit Courts, that is, to the Circuit Judges. For four or five years they discharged the duties of Chancellor very well; but after the war commenced they never touched the docket, and if since its close, they have, in my county, more than touched occasionally, and granted a decree here and there, where especial attention was called to the case, I confess that I have no knowledge of it; but all this, though true, makes no sufficient reason why we should create as many Chancellors, to preside in separate courts, as we shall have in the Circuit Courts, when it is most manifest that Judges of the latter courts can do, with ease, all that will be done by both, if the majority report should be adopted.

Almost all the new cases upon old claims have been, more than six months ago, if not merged into judgments, on the way side, in that direction. The old business, commenced in the courts before the war, has, for the most part, been disposed of; that which was commenced while the war was progressing, is trifling as to *quantum*, and when it is taken into consideration that it is almost wholly useless to pay a lawyer to obtain a judgment, and when it is considered that there are so very few new debts being contracted, and when the Bankrupt Law will just fit the cases of the most of the indebted class, it is not to be reasonably expected that there will be much new business hereafter crowding the courts for many years to come. It is believed that a dearth is about to take place in the law business of the State. Nay, it has already set in, and it will not be long before both the bar and the bench will be idle. Then why have a double set of Judges, when it is most likely that one set will be able to do all the business, and be idle half the time? Why pay out double money, when half the amount will do just as well, and better? And moreover, almost every day, some member of this Convention is pressed up to the point of introducing an ordinance, or resolution, or something else, to abolish all the old debts; some include the new ones with them, and some again satisfy themselves by striking out all the debts created for slaves. Now suppose these schemes succeed, and the people should treat such ordinances as law, where will be the use of the separate Chancery Courts, and the extra set of Judges?

But it is proposed in the majority report to do away with the Probate Judges, and confer the jurisdiction heretofore exercised by them, upon the separate Chancery Judges. This change is objected to in this minority report, because it is more expensive and less convenient. If a good lawyer is selected for Probate Judge, he can discharge the duties of that office better than a Chancellor, because he will reside in the county, and be always on hand to audit and allow claims required as vouchers, and examine papers, etc., to hold his monthly court, and to do many other things too tedious to be here mentioned. The Probate Judge ought to be a good lawyer, for important questions of law are constantly arising for his decision; but he ought to be a good accountant, also, for he has to deal with accounts from the beginning to the end of every decedent's estate that comes into his court, and it is in vacation that he can best look into them. This he could not do while he is a Chancellor, traveling a circuit; besides, even though large and plenary powers be given to the local clerks, it will be found not to answer the purpose and suit the convenience of the people so well as to have a Judge in each county.

The County Court, held once a month for the trial of small cases, civil and criminal, should be held by the Probate Judge. This would keep the jails empty, enable small offenders to obtain a speedy trial, and have their troubles ended. The promptitude with which judgments may be obtained in those monthly courts would have no bad effect, either upon the morals or business transactions of the county. Cases of forcible entry and unlawful detainer, and all appeals from Justices of the Peace should be triable in the County Court.

But the Probate Judges, besides holding these two courts, the Probate and the County Court, should be empowered to act in the place and stead of the agents of the Freedmen's Bureau, whenever that class of officers shall be withdrawn. The negroes need an officer to go to for advice and for prompt redress of small grievances; and they will need this for years to come, and these Judges will be convenient officers in every county, elected for the most part by the negroes themselves; and their courts always kept open for freedmen's business, and authorized to hear cases in any part of the county where the Judge may think proper to go.

All the Judges, from those of the Supreme Court down to the Probate Court, inclusive, should be residents for at least six months in the county or district in which they are to serve, citizens of the State for two years, having a well understood, good, liberal English education, and being lawyers of good standing in their respective counties or districts.

With these remarks, the following plan and specifications are respectfully submitted to this Convention for its careful consideration, entitled Article IV, Judicial Department, of the Constitution of the State of Mississippi.

Respectfully submitted,

JAMES L. HERBERT.

## ARTICLE IV--JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this State shall be vested in one Supreme Court, and such other courts of law and equity as are hereafter provided for in this Constitution.

SEC. 2. The Supreme Court shall consist of three Judges, any two of whom shall form a quorum. The Legislature shall divide the State into three Districts; the Governor, by and with the advice and consent of the Senate, shall appoint one Judge for each District, for the term of six years.

SEC. 3. The office of one of said Judges shall be vacated in two years, of one in four years, and of one in six years; so that, at the expiration of every two years, one of said Judges shall be appointed as aforesaid, or elected by the people, if the Legislature so direct. And the Legislature is hereby authorized and empowered, at any time, to withdraw the appointing power from the Governor, and provide for the election, by the people, of all the Judges of the State; *Provided, however*, That no such appointment shall be in anywise affected thereby, during the term for which such first appointment shall have been made.

SEC. 4. The Supreme Court shall have no jurisdiction, but such as properly belongs to a Court of Errors and Appeals.

SEC. 5. All vacancies that may occur in said courts, from death, resignation, or removal, shall be filled by appointment or election as aforesaid; *Provided, however*, That if the unexpired term do not exceed one year, the vacancy shall be filled by Executive appointment, as it shall be in all cases where no election is to take place, and where the vacancy occurs during the recess of the Legislature; but always subject to the approval or disapproval of the Senate at the next meeting thereof.

SEC. 6. No person shall be eligible to the office of Judge of the Supreme Court, who has not acquired a good, liberal, English education; who has not been, for at least five years, a practising lawyer of good standing; who is not a citizen of the United States, has not been a citizen of this State for two years, and a resident of the district for which he shall be appointed or elected, for the space of six months next before such appointment or election; and who shall not have attained the age of thirty years.

SEC. 7. The Supreme Court shall be held at least once in each year, at the seat of government, and at such other place or places in the State as the Legislature may, from time to time, direct.

Sec. 8. Immediately after the first appointment of the Judges as aforesaid, the Governor, in the presence of, and with the assistance of the President of the Senate, and the Secretary of State, shall determine by lot, which of said Judges shall serve for the term of two years, which shall serve for the term of four years, and which shall serve for the term of six years; and having so determined the same, it shall be the duty of the Governor to issue commissions accordingly.

Sec. 9. No Judge shall sit on the trial of any cause,when the parties or either of them, shall be connected with him by affinity or consanguinity, or where he may be interested in the same, except by consent of the judge, and of the parties; and when a quorum of said Court are situated as aforesaid, the Governor of the State shall, in all such cases. specially appoint and commission two or more men, learned in the law, for the determination thereof.

Sec. 10. The Judges of said Court shall receive for their services, a compensation to be fixed by law, which shall not be diminished during their continuance in office under the current term of service.

Sec. 11. The Judges of the Circuit Court shall be, for the first term, appointed by the Governor, by and with the advice and consent of the Senate, and hold their offices for the term of four years, and they shall reside in their respective districts.

Sec. 12. No person shall be eligible to the office of Judge of the Circuit Court, who shall not have acquired a good, liberal, English education; who shall not have been a lawyer of good standing at the bar for at least three years; who has not been a citizen of this State two years, and for six months a resident of the district in which he may design to serve, and who shall not have attained the age of twenty-six years.

Sec. 13. The Legislature, at its first session under this Constitution, shall divide the State into a convenient number of districts, so that the number shall not exceed ten, distributing the counties to the districts, equally and as equitably as may be, taking into due considertaion the extent of territory, number of the population, and the amount of business done in each county.

Sec. 14. The Circuit Court shall have original jurisciction in all matters, civil and criminal, within this State; but in civil cases only when the principal of the sum in controversy exceeds fifty dollars.

Sec. 15. A Circuit Court shall be held in each county of this State, at least twice in each year; and the Judges of said Courts shall interchange circuits with each other in such manner as may be prescribed by law, and shall receive for their services a compensation to be fixed by law, which shall not be diminished during their continuance in office, under the then current term of service.

Sec. 16. Chancery Courts, with full and complete jurisdiction in all matters of equity, shall be held, by the Circuit Judges, in their respective districts and counties composing the same, under such rules and regulations and at times and places as may be, from time to time, prescribed by law.

SEC. 17. The style of all process shall be: "The State of Mississippi;" and all prosecutions shall be carried on in the name and by the authority of "The State of Mississippi," and shall conclude, "against the peace and dignity of the same."

SEC. 18. A Probate Court shall be established in each and every county in this State, with jurisdiction in all matters testamentary and of administration, in minors' business and allotment of dower, in cases of idiocy and lunacy, and of persons *non compos mentis.* The judge of said court shall be elected by the qualified electors of the respective counties, for the term of two years, and hold his court once every month.

SEC. 19. A County Court shall be established in each and every county in this State, with civil jurisdiction in matters of controversy where the amount demanded or property claimed does not exceed in value the sum of two hundred and fifty dollars; in all cases of "forcible entry and unlawful detainer," and in all cases of appeal from the decisions of Justices of the Peace. And with criminal jurisdiction in the minor offenses of assault, assault and battery, affray, riot, unlawful assembly, drunkenness, vagrancy, petit larceny, and all other misdemeanors of similar character, so as to secure to small offenses a speedy trial, and relieve the prison houses from their inmates.

SEC. 20. Said County Court shall be held once every month, and the Judge thereof shall be the Probate Judge aforesaid. And no person shall be eligible to said office, who shall not have acquired a good, liberal, English education; who shall not have been a lawyer of good standing at the bar for at least two years; who has not been a citizen of this State two years, and for six months a resident of the county for which he shall have been elected.

SEC. 21. A Freedmen's Court shall be established in every county in this State, where, in the opinion of the Legislature, there shall be need for one, and where there is no agent of the Freedmen's Bureau, or whenever, hereafter, such agent shall have been withdrawn; the Judge of said Freedmen's Court shall be the Probate Judge aforesaid, whose jurisdiction for the preservation of the freedmen's rights shall be co-extensive with the rightful powers exercised by the agents of said Bureau, whose duties and jurisdiction herein may be modified, enlarged, or restricted by the Legislature, so that justice is not denied to any one.

SEC. 22. The Freedmen's Court shall be always open for the transaction of business, at the county seats of the respective counties; but the Judge may, in his own discretion, hear and determine cases at such other places in his county as he may think safe and proper.

SEC. 23. The Clerk of the Supreme Court shall be appointed by said court, and hold his office for the term of four years; and the Clerk of the Circuit Court, who shall be the Clerk of the County Court; and the Clerk of the Probate Court, who shall be the Clerk for the Board of County Police, shall each be, respectively, elected by the qualified electors of the respective committees, and shall hold their offices for the term of two years.

SEC. 24. The qualified electors of each county shall elect five persons for the term of two years, who shall constitute a Board of County Police for the county for which they shall be elected, a majority of whom may transact business; and said Board shall have full jurisdiction over roads, highways, ferries, and bridges, and all other matters of county police; and shall order all county elections to fill vacancies that may occur in the offices of their respective counties.

SEC. 25. No person shall be eligible as a member of said Board, who shall not have resided one year in the county, where it has been so long in existence, and who is not a citizen of the United States; who cannot read intelligibly, and write legibly, and who cannot cypher to what is called the single rule of three; and all vacancies that may occur in said Board shall be supplied by election, as aforesaid, to fill the unexpired term.

SEC. 26. The Judges of the courts of this State, and also the members of the Board of County Police, shall, by virtue of their offices, be conservators of the peace, and shall be, by law, vested with ample powers in this respect.

SEC. 27. A competent number of Justices of the Peace, and Constables, shall be chosen in each county, by the qualified electors thereof, by districts, who shall hold the offices for the term of two years. The civil jurisdiction of Justices of the Peace shall be limited to cases in which the principal of the amount in controversy shall not exceed fifty dollars; and in all cases tried by a Justice of the Peace, the right of appeal shall be secured, under such rules and regulations as shall be prescribed by law. Said Justices of the Peace shall have concurrent but inferior jurisdiction of minor offenses, with the County Courts.

SEC. 28. The Legislature may, from time to time, establish such other inferior courts as may be deemed necessary, and modify, change or abolish the same whenever they shall deem it expedient to do so.

SEC. 29. There shall be an Attorney General elected by the qualified electors of the State, whose term of service shall be four years; and a competent number of District Attorneys shall be elected by the qualified electors of their respective districts; whose term of service shall also be four years, and whose compensation shall be prescribed by law, as shall be the compensation of the Attorney General.

SEC. 30. No person shall be eligible to the office of Attorney General, who shall not have acquired a good, liberal English education; who shall not have been a lawyer of good standing at the bar, for at least three years; who has not been a citizen of this State for two years; who is not a citizen of the United States, and who has not attained the age of thirty years. And no person shall be eligible to the office of District Attorney, who has not attained the age of twenty-six years, and who is not entitled to the benefits of all other qualifications, exacted above from the Attorney General.

SEC. 31. The Legislature shall provide by law for determining contested elections of Judges of the Supreme Court, of the Circuit and Probate Courts, the Attorney General and District Attorneys, and all other officers, whenever they are elected by the people.

SEC. 32. The Judges of the several courts of this State, for wilful neglect of duty, or other reasonable cause, shall be removed by the Governor, on the address of two-thirds of both houses of the Legislature, the address to be by joint vote of both houses; the cause or causes for which such removal shall be required, shall be stated at length in such address, and on the Journal of each house; the Judge so intended to be removed shall be notified, and admitted to a hearing in his own defense, if he desire to defend, before any vote for such address shall pass; the vote on such address shall be taken by yeas and nays and entered on the Journal of each house.

SEC. 33. The Judges of the Probate Courts, the Clerks, Sheriffs, and other county officers, for wilful neglect of duty, or misdemeanor in office, shall be liable to presentment or indictment by a grand jury and trial by petit jury, and upon conviction, shall be removed from office, and liable to such other penalties as may be prescribed by law.

SEC. 34. The Judges of the Probate Court shall, for all the services required of them, receive such compensation as shall be fixed by law, not to be diminished during the current term of service.

Which was received and ordered to be printed.

A communication was received from Headquarters Fourth Military District, in reference to the payment of Deputy Sheriffs of the county of Coahoma, appointed to act in the late election for members of the Convention.

Referred to Finance Committee.

Convention adjourned to meet at 10 o'clock to-morrow.

T. P. SEARS,
*Secretary.*

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## TWENTY-EIGHTH DAY.

JACKSON, MISS., Friday, February 7th, 1868.

The Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Williams, of Holmes county.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, ~~Alcorn~~, Beam, Brinson, Caldwell, Chappell, Clarke, Combash, Compton, Cunningham, Dalton, Dowd, Drane, Elliott John, Elliott James, Field, Gibbs, Goss, Gray, Handy, Hauser, Herbert, Holland, Howe, Hutto, Jacobs, Johnson S., Johnson A., Jones, Kerr, Lawson, Leas, Leonard, Longmire, Mask, Montgomery, Moore, Morgan, Myers, Mygatt, Miles, McCutchen, McKnight, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Quinn, Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stiles, Stringer, Townsend, Vaughan, Warren, Williams, Woodmansee, and Yeoman—65.

The following delegates were absent:

Messrs. Ballard, Barry, Bonney, Bridges, Castello, Chapman, Collins, Conley, Fawn, Fitzhugh, Gaither, Hemmingway, Lack, Mayson, Miles, Musgrove, Merryman, McKee, Neilson, Nelms, Nesbitt, Peyton E. G., Phillips, Powell, Stovall, Toy, Walker, Watson, and Wier—29.

Leaves of absence were granted to the following named gentlemen for the period affixed to their names:

To Mr. Hemmingway for three days; to Mr. Cunningham for one day; to Mr. McKee for three days; to Mr. Quinn for two days; to Mr. Jacobs for two days; to Mr. Musgrove for five days; to Mr. Williams for ten days; to Mr. Fitzhugh for two days; to Mr. Combash for three days; to Mr. McKnight for four days.

The Special Committee to confer with Gen. Gillem in reference to the stay of executions, submitted the following as the result of their action, being a communication from the General in command Fourth Military District:

HEAD QUARTERS, 4TH MILITARY DISTRICT,
MISSISSIPPI AND ARKANSAS,
OFFICE CIVIL AFFAIRS, VICKSBURG, MISS., Feb. 4, 1868.

*Honorable Geo. Stovall, Chairman of Committee of the Mississippi Constitutional Convention :*

SIR—I am directed by the General Commanding Fourth Military District to acknowledge the receipt of your communication enclosing a copy of the resolution directing the appointment of a committee of five to proceed to this place and urge him to issue a general order "forbidding sales by all officers and trustees except for wages on plantations or mechanics' labor," and to inform you that after mature consideration of the subject, the General Commanding is convinced that a great portion of the distress of the people in this State, is not more the result of the failure of the crops than that of indebtedness which existed at the close ot the late war. Debtors have now had three years in which to cancel their obligations. It is believed that facts will support the assertion, that the indebtedness of the people at the present time is greater than it was in 1865. Nor is it believed that it would be easier to cancel these obligations in 1869.

A great portion of this indebtedness was incurred prior to 1861, and was secured by mortgages on real estate. Slave labor was relied upon to supply the means by which to cancel these mortgages, and slavery having ceased to exist, the only means of canceling the obligations is the sale of the real estate, or so much of the same as shall be necessary for that purpose.

Nor is it apparent how the sale and the consequent distribution of such real estate will injure the material prosperity of the State. In noticing that portion of the letter of the majority of your committee, which asks for this intervention to enable the people to proceed with their planting as extensively as their limited means will permit, thereby keeping off threatened starvation, the General Commanding begs leave to call the attention of your committee to the bankrupt law of the United States, which is governed in its operations by the laws of exemption in the several States. It will be observed that the exemption laws of Mississippi allow to each family 160 acres of land, including the dwelling, two horses or mules, with the necessary harness or implements, five cows, household furniture, with one year's provisions, etc. It is suggested that with these allowances or exemptions, no family is threatened with starvation, present or prospective, by non-intervention or allowing the law to take due course.

From the above considerations the General Commanding deems it inexpedient to issue the order asked for in the resolution transmitted by your committee.

I am, Sir, very respectfully,
Your obedient servant,
JOHN TYLER,
*1st Lt. 43d Infantry, Brvt. Maj. U. S. A., A. A. A. Gen'l.*

The report was received and the committee discharged.

The resolution of Mr. James Elliot, introduced February 3d, and the amendment of Mr. Alcorn thereto, came up for consideration, and Mr. Elliott offered the following as an amendment to the amendment;

That the Legislature at its first meeting shall abolish all debts, contracts, judgments, deeds of trust, and all mortgages, that may have been entered into prior to the 28th day of April, 1865.

Mr. Compton moved to lay both the amendments on the table;

Which was carried.

Mr. Compton moved to lay the original resolution on the table;

Which was carried.

Report of the committee on Destitution came up on the amendment of Mr. Weir, viz: to strike out the words "Boards of Police," where it occurs, and insert "retained Registrars."

And the question recurring on the original, it was adopted.

The report of the committee on the Judiciary was made the special order of the day for Monday next.

The report of the committee on the Executive came up, and was read the first time; and it was

*Resolved*, That the Sergeant-at-Arms be directed to return the printed report of the Executive Committee to the official Printer of this body for correction.

Which was adopted.

And the consideration of the report was laid over for the day.

Report of the committee on the Bill of Rights was laid over.

Report of the committee on the Legislative Department was also laid over.

Mr. Chappell offered the following:

WHEREAS, The desecration of the Sabbath has become so common since the late war, plunging the country into demoralization deeper than that consequent to the war; and

*Whereas*, The God of Heaven in infinite wisdom dedicated the seventh day of the week as a day of rest from all labor, because in it He rested from all the work and labor which He had created and made; and

*Whereas*, The sacred observance of the Sabbath exercises a secret influence over the vital interests of society, more potent than penal codes, constituting one of the golden pillars of religion, whilst the faithful obedience to the command "Remember the Sabbath day to keep it holy," becomes the great keystone of the arch that supports the everlasting principles of Christian civilization; therefore, be it

*Resolved*, That there be incorporated in the Constitution, a section requiring the first Legislature sitting after the ratification of the Constitution, to enact a general Sunday law, prohibiting the transmission of freight or passengers on all the railroads in the limits of the State, to suspend all secular business of any character whatever, and especially to prohibit the carrying of fire-arms, hunting and shooting, and all other species of Sabbath breaking, under such pains and penalties as may be deemed necessary to prevent the violation of such law.

Pending consideration of which, special order of the day was called;

Unfinished business, being the amendment of Mr. Gibbs to Mr. Orr's resolution in reference to the payment of members, after the forty-fifth day.

The bond of Mr. Parsons, the Treasurer, was received, and

Mr. Compton moved to appoint a committee to inquire into the responsibility of the bondsmen.

A motion was made to lay resolution on the table;

Which was decided by the President to be in order.

Mr. Compton appealed from the decision of the Chair, and the Chair was sustained.

And the motion of Mr. Compton was laid on the table.

Mr. Mayson moved that the bond of the Constitutional Treasurer, Mr. F. Parsons, as submitted by him to this Convention, the same being properly secured, in the sum of thirty thousand dollars, be approved.

Mr. Townsend moved to amend by adding when accepted and approved by the President of this Convention.

Mr. James Elliott moved to amend by adding the words, "That when signed by all the members of the Convention, it be approved;"

Which motion was laid on the table.

Mr. A. Johnson moved to adjourn;

Which was lost.

Mr. Morgan moved to lay the amendment of Mr. Townsend on the table;

Which was carried.

Mr. Mayson moved the previous question, which was sustained; and the motion of Mr. Mayson was adopted.

Mr. Jacobs offered the following:

*Resolved*, That there shall be a committee of five appointed on the digest of all resolutions that are offered by members of this Convention, that are not offered as sections for the Constitution, shall be referred to that committee without debate, and that the committee shall report each day on said resolutions to this Convention.

Which was adopted.

Mr. Fitzhugh offered the following:

WHEREAS, Great distress prevails in many portions of this State, growing out of the fact that debts contracted prior to, and during the late rebellion are now being pressed for collection; and

*Whereas*, The said debts were secured by liens based on the right of property in man; and

*Whereas*, The Government of the United States has by a proclamation of its President, and by laws enacted by the Congress thereof, destroyed that right, and thereby deprived those who contracted debts based upon this supposed right of these means to cancel said debts; therefore, be it

*Resolved*, That all such contracts made by citizens of this State be declared utterly null and void, and that hereafter no process shall issue in any court in this State enforcing the payment thereof, and all suits now pending in any Circuit Court in this State shall be discontinued.

Mr. Fitzhugh moved the adoption of the preamble and resolution, pending which, the Convention adjourned to meet tomorrow morning, at 10 o'clock.

T. P. SEARS,
*Secretary.*

## TWENTY-NINTH DAY.

JACKSON, MISS., Saturday, February 8th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Compton, Dowd, Elliott John, Elliott Jas., Fawn, Field, Fitzhugh, Gibbs, Goss, Gray, Handy, Hauser, Herbert, Holland, Howe, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Jones, Kerr, Lawson, Leas, Leonard, Longmire, Mayson, Mask, Montgomery, Moore, McCutchen, Nesbitt, Newsom, Orr, Parsons F., Parsons J. R., Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stovall, Stricklin. Stringer, Stiles, Townsend, Toy, Vaughan, Warren, Weir, Woodmansee, and Yeoman—66.

The following delegates were absent:

Messrs. Barry, Collins, Combash, Conley, Cunningham, Dalton, Drane, Gaither, Hemmingway, Lack, Musgrove, Miles, Merryman, Myers, Mygatt, McKee, Morgan, McKnight, Neilson, Nelms, Ozanne, Peyton E. A., Peyton E. G., Phillips, Powell, Quinn, Walker, Watson, and Williams—29.

Leaves of absence were granted the following named delegates, for the period affixed to their names: To A. Johnson for three days; to C. Myers for three days; to V. A. Collins for ten days; to T. Dalton for ten days; to A. Mygatt for three days; to W. D. Nesbitt for ten days.

Col. L. W. Perce, of Adams, was invited to a seat within the bar of the Convention,

Standing Committees reported as follows:

Committee on Printing reported progress.

Committee on Finance reported progess.

Committee on Public Education reported progress,

The Committee on Digest of Resolutions was announced by the Chair, as follows: H. P. Jacobs, Thos. W. Stringer, Jas. Weir, H. W. Warren, and A. T. Morgan.

The consideration of the report of the Executive Committee being before the Convention, it was passed to the second reading.

On being put upon its third reading, by sections,

Section 1 being before the Convention,

Mr. Orr moved its adoption.

Mr. Townsend moved to amend by inserting "two years" in place of "four years;"

Which was laid on the table.

And section 1 was passed as printed.

Mr. Parsons, of Adams, moved to postpone the further consideration of the report until Tuesday next, and that it be made the special order; which was carried.

Mr. Gibbs moved to reconsider the vote adopting the first section.

Mr Orr moved to lay the motion on the table;

Which was lost, by the following vote:

YEAS—Messrs. Ballard, Bonney, Bridges, Brinson, Clarke, Dowd, Elliott John, Elliott James, Fawn, Hauser, Holland, Howe, Jamison, Johnson A., Jones, Kerr, Leas, Orr, Railsback, Smith, Stewart, Stringer, Warren, Weir, Woodmansee—25.

NAYS—Messrs. Alderson, Alcorn, Beam, Caldwell, Castello, Chapman, Compton, Drane, Field, Fitzhugh, Gibbs, Goss, Gray, Handy, Herbert, Hutto, Johnson S., Lawson, Longmire, Mayson, Montgomery, Moore, McCutchen, Newsom, Parsons F., Parsons J. R., Peyton E. A., Rainey, Richardson, Stiles, Stricklin, Stites, Townsend, Toy, Vaughan, Yeoman—36.

A motion to reconsider the vote just taken, was carried, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Beam, Brinson, Caldwell, Castello, Chapman, Compton, Field, Fitzhugh, Gibbs, Goss, Gray, Handy, Herbert, Hutto, Jamison, Johnson S., Jones, Kerr, Lawson, Longmire, Mayson, Montgomery, McCutehcn, Newsom, Parsons J. R., Parsons F., Peyton E. A., Rainey, Richardson, Stricklin, Stiles, Townsend, Toy, Vaughan, Yeoman-37.

NAYS—Messrs. Ballard, Bonney, Bridges, Clarke, Dowd, Drane, Elliott John, Elliott James, Fawn, Hauser, Holland, Howe, Johnson A., Leas, Moore, Orr, Railsback, Smith, Stewart, Stites, Stringer, Weir, Woodmansee—23.

The report of the committee on Printing, came up for consideration, and on motion of Mr. Castello, passed to its second reading, and was ordered to be read by its title, and passed its second reading.

And on motion of Mr. Orr, the Convention proceeded to consider it by sections, upon its third reading:

Section 1 was adopted.

Section 2 was adopted.

In section 3, Mr. Townsend moved to strike out "official Journal," in the first and second lines, and insert "Constitution and ordinance of public interest as framed by," and strike out "Journal," in the sixth line, and insert "Constitution;"

Which was laid on the table.

Section 3 was adopted, as printed.

In section 4, Mr. Castello moved to strike out the first paragraph;

Which was carried.

Mr. Castello moved to substitute "one thousand" for "five hundred," in the fifth line of the second paragraph, of section 4;

Which was lost.

Mr. Gibbs moved to strike out the second paragraph of section 4; pending the discussion of which the special order of the day came up for consideration, being the unfinished business of yesterday, which was a preamble and resolutions of Mr. Fitzhugh in reference to the canceling of certain indebtedness, and other matters, Mr. Parsons, of Adams, moved it be referred to the committee on Judiciary;

Which was carried.

The consideration of the resolution of Mr. Chappell, in reference to the desecration of the Sabbath, was postponed indefinitely.

Mr. Orr moved to reconsider the same.

Mr. Gibbs moved to lay the motion to reconsider on the table;

Which was carried.

The report of the committee on the Bill of Rights was laid over.

The report of the committee on Legislative Department being called, was passed to its second reading, and made the special order for next Wednesday.

Mr. Stovall was granted a leave of absence for three days.

Mr. Gibbs offered the following:

*Resolved*, That after Monday next, no leave of absence be granted for over two days, except in cases of sickness.

Referred to special committee appointed upon resolutions.

Mr. Orr moved to suspend the rules to take up the report of committee on Printing;

Which was carried.

And the second paragraph of section 4, was stricken out.

Section 5 was adopted as read.

Mr. Stringer offered the following:

*Resolved*, That all committees, standing and special, who do not make a full report on or before the 14th day of February, 1868, shall be discharged, and new ones appointed.

Referred to Special Committee on Resolutions.

Mr. Alderson offered the following:

*Resolved*, That a copy of the report of the committee on Destitution for temporary relief to destitute persons of this State, be signed by the President of this Convention, and that the Secretary be directed immediately to transmit the same to Major General Alvin C. Gillem, with a request that he may carry out said plan, or something similar, so that speedy relief may be had.

Mr. Alderson moved to suspend the rules so as take action upon the resolution;

And the rules being suspended, the resolution was adopted.

Mr. Townsend offered the following:

*Resolved*, That the resolution offered by Mr. Field, and adopted by this body, requiring that all members not voting upon any question, shall be counted in the affirmative, be, and the same is hereby rescinded.

The rules being suspended, the resolution was adopted.

Mr. Stites offered the following:

WHEREAS, A great number of aged and infirm persons of both races are completely destitute of the means of support; therefore, be it

*Resolved*, That the General Assembly, at its first session after the adoption of this Constitution, shall, by law, provide a home and a sufficient amount of ground, and that they be required to perform such labor as they are able to perform, and thereby making it self-sustaining; such home to be established in each and every county in the State.

Referred to Special Committee on Resolutions.

Mr. Alderson, chairman of Executive Committee, announced no further use for a Clerk.

Mr. Gibbs moved to reconsider resolution creating a Special Committee upon Resolutions;

Which was lost.

Mr. Gibbs moved that members not voting be brought by the Sergeant-at-Arms before the bar of the Convention;

Which was lost.

Convention adjourned to meet Monday morning at 10 o'clock.

T. P. Sears,
*Secretary.*

## THIRTIETH DAY.

Jackson, Miss., Monday, February 10th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Beam, Bonney, Bridges, Caldwell, Castello, Chapman, Chappell, Compton, Cunningham, Dowd, Drane, Elliott John, Elliott James, Fawn, Field, Gibbs, Goss, Gray, Hauser, Herbert, Holland, Howe, Hutto, Jamison, Johnson S., Jones, Lawson, Leas, Leonard, Longmire, Mayson, Mask, Montgomery, Moore, Morgan, McCutchen, Nesbitt, Newsom, Orr, Ozanne, Parsons of Adams, Parsons of Hinds, Peyton E. A., Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stovall, Stricklin, Stiles, Townsend, Toy, Vaughan, Weir, Warren, Woodmansee, and Yeoman—62.

The following delegates were absent:

Messrs. Ballard, Barry, Brinson, Collins, Combash, Conley, Dalton, Fitzhugh, Gaither, Handy, Hemmingway, Jacobs, Johnson A., Lack, Musgrove, Merryman, Miles, Myers, Mygatt, McKee, McKnight, Neilson, Nelms, Peyton E. G., Phillips, Powell, Quinn, Stringer, Walker, Watson, Williams—31.

Journal of Saturday was read and approved.

Reports of standing committees being called for, the committee on General Provisions reported progress.

The committee on Contingent Expenses made the following report:

Mr. President: Your committee on Contingent Expenses would respectfully report that they have examined the following accounts which have been referred to them, and believing they are correct, recommend that they be allowed.

Respectfully,
U. OZANNE, *Chairman.*
J. RAILSBACK,
W. H. GIBBS,
S. C. CONLEY,
J. C. BRINSON,
*Committee.*

| | |
|---|---|
| Bill of the Jackson Gas Light Company | $86 20 |
| Bill of the Special Committee appointed to confer with Gen. Gillem | 20 00 |
| Bill of Taswell Jones for wood-chopping, ten days | 25 00 |
| Total | $131 20 |

February 10, 1868.

Report received and bill allowed.

JACKSON, MISS., February 5, 1868.

*Mississippi State Convention,*

*To Jackson Gas Light Co.,* DR.

| | |
|---|---|
| To Gas consumed to date, 8,400 cubic feet @ 80c per 100 feet | $67 20 |
| January 7th and 8th—To one torch and box of wax tapers | 4 50 |
| Time of two men repairing pipes, clearing burners and repairing fixtures | 13 50 |
| One screw and bracket | 1 00 |
| Total | $86 20 |

*The State of Mississippi, to Taswell Jones,* DR.

| | |
|---|---|
| For services rendered as wood-chopper for ten days @ $2 50 per day | $25 00 |

JACKSON, MISSISSIPPI, February 4, 1868.

*State of Mississippi, to Benj. H. Orr,* DR.

| | |
|---|---|
| To amount of expenses incurred by special committee appointed under resolution to wait upon and confer with Brevet Major General A. C. Gillem, commanding Fourth Military District | $20 00 |

Leaves of absence were granted to the following gentlemen for the period affixed to their names:

To Mr. Hemmingway for five days; to Mr. Watson for one day; to Mr. Gaither for one day.

The President announced the following committee on Government Lands:

Mr. Parsons, of Hinds;
Mr. Chapman, of Covington;
Mr. Beam, of Franklin;
Mr. Hauser, of Kemper;
Mr. Lawson, of Lawrence.

Mr. Gibbs offered the following:

WHEREAS, In many portions of this State, employers are taking advantage of the destitute condition of the laboring class to make contracts with them wherein their rights and privileges as freemen are abridged, and provision made therein prohibiting the laborer from attending meetings or gatherings of a political character; therefore, be it

*Resolved*, That the committee on General Provisions be, and are hereby instructed to prepare and introduce an ordinance declaring all such contracts null and void, and providing that any one making or attempting to enforce any such contracts, on conviction of the same, shall be fined in a sum not less than one hundred, nor more than five hundred dollars, and be disqualified from voting or holding office in the State for the period of five years.

Referred to Special Committee on Resolutions.

Mr. Alcorn offered the following:

WHEREAS, The Special Committee on County Boundaries is, with one exception, composed of the same gentlemen that compose the standing committee on the same; and

*Whereas*, It is the opinion of the standing committee that the special committee is entirely unnecessary, and that the duties of the same may be well performed by the standing committee; therefore, be it

*Resolved*, That the Special Committee on County Boundaries be, and the same is hereby abolished, and that the duties of said committee be performed by the Standing Committee on County Boundaries.

Which was adopted.

Mr. Railsback offered the following:

*Resolved*, That Rule No. 52 be so altered as to read:

The Convention shall hold two sessions daily, Sundays excepted; a morning session, which shall meet at 9 A. M. and adjourn at 1 P. M.; and an evening session, which shall meet at 3 P. M. and adjourn at 5 P. M., unless otherwise ordered.

Mr. Stricklin moved to suspend the rules to act upon the same.

Mr. Hauser moved to lay the resolution on the table;

Which was lost, by the following vote:

YEAS—Messrs. Alderson, Castello, Cunningham, Field, Hauser, Herbert, Holland, Lawson, Leas, Orr, Rainey, Stiles, Toy, Weir, Woodmansee, and Yeoman—16.

NAYS—Messrs. Alcorn, Beam, Bridges, Chapman, Chappell, Clarke, Compton, Dowd, Drane, Elliott John, Elliott James, Gibbs, Goss, Gray, Howe, Hutto, Johnson S., Jones, Kerr, Longmire, Mayson, Mask, Moore, Morgan, McCutchen, Nesbitt, Newsom, Ozanne, Parsons of Hinds, Railsback, Richardson, Smith, Stewart, Stites, Stovall, Stricklin, Stringer, Townsend, and Vaughan—39.

And the motion to lay on the table was lost.

And the resolution to suspend the rules goes to the Special Committee on Resolutions.

Mr. Moore offered the following:

*Resolved*, That it is advisable that the police force of every incorporated town and every city should be divided equally among the loyal whites and colored citizens of the same.

Referred to the Special Committee on Resolutions.

Mr. Field offered the following:

*Resolved*, That the Legislature of the State of Mississippi, at its first session under the forthcoming Constitution, be required to pass a law authorizing any citizen thereof who will make oath, or affirmation, before any Circuit Court Clerk, and have it filed and recorded by him, that he or she is not worth twenty dollars in property in his or her own right, or in that of any other person for him or her, and shall have said oath or affirmation confirmed by the oath of two citizens that they believe to have sworn or affirmed truthfully, shall have a certificate of discharge from his or her liabilities of any sort; and such certificate, the form of which shall be prescribed by law, shall be his protection and defense against all suits at law or in equity which may be brought against him or her, when the Judges of the various courts of law and equity shall respect such certificates of protection, and govern themselves accordingly.

Referred to the committee on Resolutions.

The President announced the following as a committee upon the removal of the State House:

FIRST DISTRICT.

Messrs. Mask, Vaughan, Townsend.

SECOND DISTRICT.

Messrs. Elliott John, Kerr, Quinn.

THIRD DISTRICT.

Messrs. Conly, Bridges, Chappell.

FOURTH DISTRICT.

Messrs. Combash, Barry, McKnight.

FIFTH DISTRICT.

Messrs. Orr, Bonney, Chapman.

Mr. Montgomery offered the following:

*Resolved*, That no portion of the Bill of Rights or Constitution be finally adopted, until recommended by the Committee of the Whole.

Referred to the committee on Resolutions.

Consideration of the report of the committee on Bill of Rights lies over.

Majority report of the committee on the Judiciary was called up and read a second time.

Minority report from the same committee, was read the first time.

Mr. Compton moved that hereafter the rules of the Senate in regard to action on bills and their several readings be adopted as a rule of action of this Convention;

Which was adopted.

The minority report of the committee on the Judiciary, was read a second time by its title, viz: Article 4 of the Constitution.

Mr. Compton, of Marshall, moved that the Convention resolve itself into a Committee of the Whole on the report of the Judiciary.

Mr. Howe moved the previous question;

Which was sustained.

And the motion of Mr. Compton was carried.

And after certain proceedings had therein, the committee rose and reported progress, and asked leave to sit again at 12 o'clock on Wednesday;

Which was granted.

Convention adjourned to meet to-morrow, at 10 o'clock.

T. P. SEARS,
*Secretary.*

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## THIRTY-FIRST DAY.

JACKSON, MISS., Tuesday, February 11th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Compton, Conley, Cunningham, Dowd, Drane, Elliott John, Elliott James, Fawn, Field, Fitzhugh, Gibbs, Goss, Gray, Handy, Hauser, Herbert, Holland, Howe, Hutto, Jamison, Johnson S., Jones, Kerr, Lack, Lawson, Leas, Leonard, Longmire, Mayson, Mask, Montgomery, Merryman, Moore, Myers, McCutchen, McKee, McKnight, Nelms, Nesbitt, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stovall, Stricklin, Stringer, Stiles, Townsend, Toy, Vaughan, Walker, Warren, Woodmansee, Yeoman—77.

The following delegates were absent:

Messrs. Barry, Collins, Combash, Dalton, Gaither, Hemmingway, Johnson A., Musgrove, Miles, Mygatt, Neilson, Peyton E. G., Phillips, Powell, Quinn, Watson, Williams—17.

Reports of standing committees being called for, Mr. Orr, from the committee on Legislative Department, submitted the following minority report, which was received, and one hundred copies ordered to be printed.

*To the Honorable President and Members of the Constitutional Convention of the State of Mississippi:*

The undersigned, dissenting from a part of the report of the committee on Legislative Department, respectfully submits the following as a minority report on the same.

BENJ. H. ORR.

SECTION 1. Representation in the House of Representatives shall be equal and uniform, and shall be ascertained and regulated by the number of qualified electors; each county in the State being entitled to at least one Representative. An enumeration of the qualified electors of this State shall be made under the authority of the State in the year 1869, and every ten years thereafter, for the purpose of ascertaining the total population, as well as the number of qualified electors in each county and election district; and in case of informality, omission, or error in the census returns from any district, the Legislature shall order a new census taken in such county or election district.

SEC. 2. At its first session under this Constitution, the Legislature shall provide by law that the names and residence of all qualified electors shall be registered in order to entitle them to vote, but the registry shall be free of cost to the elector.

SEC. 3. No person shall be entitled to vote at any election held in this State, except in the county of his residence and at the election precinct in which he has registered; *Provided*, That this shall not apply to the first election held under this Constitution.

SEC. 4. No session of the Legislature shall extend beyond the period of sixty days, to date from its commencement, and any legislative action had after the expiration of said period of sixty days, shall be null and void; but this last provision shall not apply to the first session of the Legislature that shall convene after the adoption of this Constitution.

SEC. 5. No Senator or Representative during the term for which he was elected, nor for one year thereafter, shall be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which have been increased during the time such Senator or Representative was in office, except to such offices as may be filled by an election of the people.

SEC. 6. In the year in which a regular election for a Senator of the United States is to take place, the members of the General Assembly shall meet in the hall of the House of Representatives on the second Monday following the meeting of the Legislature and proceed to said election by joint ballot of both houses.

The committee on General Provisions made the following report:

*To the Hon. President and Members of the Constitutional Convention :*

The committee to whom was referred the resolution that a section be inserted in the Constitution prohibiting duelling, beg leave to report the following:

SECTION —. No person who shall hereafter fight a duel, or assist in the same as a second, send, or accept, or knowingly carry a challenge thereof, or agree to go out of this State to fight a duel, shall hold any office of trust or profit in this State, and be ever after disfranchised.

E. J. CASTELLO, *Chairman,*
J. R. PARSONS,
PERES BONNEY,
GEO. STOVALL,
CHAS. W. CLARKE,
D. STITES,
*Committee.*

Report received and one hundred copies ordered to be printed.

The committee on Internal Improvements reported progress.

SELECT COMMITTEES.

The committee on Digest of Resolutions reported and referred sundry resolutions to proper committees.

Mr. Clarke moved to receive the report.

Mr. Gibbs moved to amend by adding " that the committee be discharged;"

Which was adopted.

And the original motion as amended was adopted.

The committee to whom was referred the duty of presenting names and forwarding the same to Congress and request the removal of the civil disabilities of same, made the following report:

*To the Hon. President and Members of the Convention:*

The committee to prepare a list of names of those who desire their political disabilities removed, would respectfully report that said committee is ready to investigate the claims of any applicant for favorable consideration.

Respectfully,
W. H. WARREN,
*Chairman.*

U. OZANNE, *Secretary.*

Mr. Woodmansee offered the following:

*Resolved by the people of the State of Mississsppi in Convention assembled*, That no money or moneys shall be appropriated by the General Assemply of this State only upon the call of the yeas and nays of both Houses on three several days.

Referred to the committee on Legislative Department.

Mr. Elliott, of Monroe, offered the following:

WHEREAS, A large per centage of the citizens of Mississippi, are disfranchised by an Act of Congress, supplementary to an Act passed July 19th, 1867, disfranchising a certain class of citizens therein named, making no discrimination between the loyal and disloyal; and

*Whereas*, A large class of citizens who held office before or during the war are loyal citizens, and many others who participated and aided in the rebellion, profess now to be lawful citizens, and believing now as we do, in that maxim of law, that it is better for ninety and nine guilty persons to go clear, than for one that is innocent to suffer; therefore, be it

*Resolved*, That the President of this Convention appoint a special committee of five, one from each Congressional district, whose duty it shall be to memorialize Congress, to remove the disabililies of all citizens from the rank of Brigadier General down, so that they may vote and hold office.

Mr. Weir moved to lay on the table;

Which was carried.

Mr. Stricklin moved to reconsider the vote to lay on the table;

Which was carried.

The Clerk of the committee on Militia, was discharged by request of the committee.

Special order coming up for consideration, being report of Executive Committee;

Upon the consideration of the same, the Convention resolved itself into a committee of the Whole, Mr. Weir, ot Oktibbeha, in the chair; and after certain action had therein, the committee rose, reported progress, and asked leave to sit again.

A communication was received from Head Quarters Fourth Military District, in referenee to the payment of the Deputy Sheriffs of the county of Yalobusha, who served in the late Convention election.

Referred to the Committee on Finance.

Convention adjourned until to-morrow morning, at 10 o'clock.

T. P. SEARS,
*Secretary.*

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## THIRTY-SECOND DAY.

JACKSON, MISS., Wednesday, February 12th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Barry, Beam, Bonney, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Compton, Conley, Dowd, Drane, Elliott John, Elliott James, Fawn, Field, Fitzhugh, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Herbert, Holland, Howe, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Jones, Kerr, Lack, Lawson, Leas, Leonard, Longmire, Mayson, Mask, Montgomery, Merryman, Moore, Morgan, Myers, Mygatt, McCutchen, McKee, Nelms, Neilson, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Phillips, Quinn, Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stovall, Stricklin, Stringer, Stiles, Townsend, Toy, Vaughan, Walker, Warren, Weir, Woodmansee, and Yeoman—80.

The following delegates were absent:

Messrs. Ballard, Bridges, Collins, Combash, Cunningham, Dalton, Hemmingway, Musgrove, Miles, McKnight, Peyton E. G., Powell, Watson, and Williams—14.

Journal of yesterday read and approved.

Leave of absence was granted to Mr. Gibbs for three days.

Standing committees reported as follows:

The committee on General Provisions reported progress.

Mr. Neilson's absence without leave being on account of illness, he was excused.

The committee on Printing reported progress.

The committee on Internal Improvements reported progress.

Unfinished business coming up for consideration, the resolution of Mr. Elliott, introduced on yesterday in relation to disfranchised persons, was then considered.

Mr. Herbert moved to lay the resolution on the table;

Which was lost.

Mr. Hauser moved to suspend the rules to permit Mr. Herbert to speak.

The President decided the motion to suspend in order.

Mr. Townsend appealed from the decision of the Chair;

And the Chair was sustained, and the motion to suspend the rules was lost.

Mr. Compton moved to suspend the rules to permit Mr. Elliott to proceed with his remarks;

Which was carried.

Mr. Orr moved to lay the resolution of Mr. Elliott on the table;

Which was carried, by the following vote:

YEAS—Messrs. Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Compton, Cunningham, Dowd, Fawn, Field, Fitzhugh, Handy, Hauser, Herbert, Holland, Hutto, Jacobs, Johnson S., Jones, Kerr, Lack, Lawson, Leas, Mayson, Moore, Morgan, Myers, Mygatt, Orr, Parsons J. R., Peyton E. A., Quinn, Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stricklin, Stringer, Toy, Warren, Weir, and Woodmansee—49.

NAYS—Messrs. Alderson, Alcorn, Ballard, Barry, Conley, Elliott John, Elliott James, Gaither, Gray, Howe, Jamison, Johnson S., Longmire, Mask, Montgomery, McCutchen, Nelms, Nesbitt, Newsom, Ozanne, Phillips, Stiles, Townsend, Walker, and Yeoman—25.

Mr. Orr moved to reconsider the vote laying the resolution on the table.

Mr. Castello moved to lay the motion to reconsider on the table;

Which was carried.

The Chairman of the committee on Finance, submitted the following report:

*To the President and Members of the Constitutional Convention of the State of Mississippi:*

GENTLEMEN—I have the honor to report that great opposition is being made to the collection of the tax levied by this Convention, by ordinance adopted January 24, 1858. It seems to be the determination of the people not to pay said tax unless it be enforced by military orders.

I have the honor to submit the accompanying letters and telegrams for the information of the Convention.

And would respectfully ask that a resolution be passsed by this Convention requesting Gen. Gillem to issue an order enforcing the collection of said tax.

I have the honor to be most respectfully,
Your Obedient Servant,
FRED PARSONS,
*Treasurer of Convention.*

The resignation of J. V. Sheppard, as Collector for Tippah county, was received and not accepted.

Mr. Alderson offered the following:

WHEREAS, The courts of the State of Mississippi, have enjoined the collection of the Special Tax levied by this Convention, and the people have in public meetings declared their opposition to the same, and determination not to pay unless they are compelled to do so by military orders; therefore, be it

*Resolved,* That General Gillem be requested by this Convention to issue an order forbidding the interference of any court of this State with the collection of said tax, directing the people to pay the same, and that the Secretary be directed to furnish Major General Gillem with a copy of this resolution and that he be requested to answer immediately.

Mr. Clarke moved to suspend the rules, to take action on the above resolution;

Which was carried.

Mr. Castello moved the previous question; which was sustained, and the resolution was adopted.

Mr. Cunningham moved to reconsider the vote adopting the resolution;

Which was carried.

Mr. Field moved to strike out "request," and insert "instruct."

Mr. Alderson moved to lay the motion on the table;

Which was carried.

And the resolution was adopted.

Mr. Parsons, of Adams, moved to suspend the rules to permit Mr. Alderson to present a resolution;

Which was carried.

Mr. Alderson offered the following:

*Resolved*, That Gen. McKee be appointed by the President to visit Gen. Gillem, at Vicksburg, and present to him the resolution just passed by this Convention, requesting him to enforce the collection of the Special Tax, and report back to this Convention as soon as practicable.

Mr. Orr offered to amend, by striking out "as soon as practicable," and insert "12 o'clock to-morrow."

Mr. Field moved that the President and Mr. Alderson, of Jefferson, be added to the committee.

Mr. Parsons moved to lay all amendments on the table;

Which was carried.

And the resolution was adopted.

A motion was made to adjourn, which was lost.

The President submitted a communication from the Georgia Constitutional Convention, which was read for the information of the Convention.

A motion to adjourn was made, and lost.

The Convention proceeded to the consideration of the report of the committee on Bill of Rights;

Which was passed to a second reading.

The report of the committee on Education was then considered, and passed to a second reading.

Convention adjourned, to meet at 10 o'clock to-morrow.

T. P. SEARS,
*Secretary.*

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## THIRTY-THIRD DAY.

JACKSON, MISS., Thursday, Febrary 13th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Compton, Conley, Dowd, Drane, Elliott John, Elliott James, Fawn, Field, Fitzhugh, Gaither, Goss, Gray, Handy, Hauser, Herbert, Holland, Howe, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Jones, Kerr, Lack, Lawson, Leas, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Moore, Morgan, Myers, Mygatt, McCutchen, McKnight, Neilson, Nelms, Nesbitt, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Phillips, Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stovall, Stricklin, Stringer, Stiles, Townsend, Toy, Vaughan, Walker, Warren, Weir, Woodmansee, and Yeoman—81.

The following delegates were absent:

Messrs. Collins, Combash, Cunningham, Dalton, Hemmingway, Miles, Merryman, McKee, Peyton E. G., Powell, Quinn, Watson, and Williams—13.

Journal of yesterday read and approved.

Leaves of absence were granted to Mr. Fitzhugh, for one day; to Mr. Handy, for five day; and to Mr. Cunningham for one day.

### STANDING COMMITTEES.

The committee on General Provisions, through their chairman, submitted the following majority report:

Mr. President: The committee to whom was referred a resolution requiring the Legislature at its first session, to elect or appoint a Printer for each Congressional District, beg leave to make the following report:

*Be it ordained by the people of the State of Mississippi, in Convention assembled,* That the General Assembly, at its first session under the Constitution to be framed by this Convention, and submitted to the electors for ratification, shall designate, by law, a loyal paper or papers in each Congressional District, which shall publish all legal advertising and such official printing as shall be required by law in such Congressional District; the compensation to be fixed by law.

E. J. Castello, *Chairman.*
C. W. Clarke,
P. Bonney,
D. Stites, *Committee.*

The following report was submitted from the minority, on the same subject:

*To the Hon. President and Members of the Mississippi Constitutional Convention:*

The undersigned, a member of the committee on General Provisions, and to whom was referred the resolution providing for the publishing of a "loyal" newspaper in each Congressional District, would most respectfully submit the following objections to said resolution, as a minority report:

The resolution, in effect, destroys the intention of the law, which requires administrators, executors, Sheriffs, and other officers, to make publication of their proceedings in some public journal, for the benefit of creditors and all others interested, from the fact that said journals are bound, in the very nature of things, to be more or less remote from a large number of their forced patrons; that county creditors, in many instances, would never see or hear of such publications, and would thereby be deprived of their just rights: Furthermore, the establishment of such journals would create and protect a monopoly in the newspaper business, alike detrimental to individual and associated enterprise throughout the State—requiring citizens to patronize and build up a public journal, which may advocate principles destructive of the best interests of those who sustain it. Moreover, it is an admitted fact amongst newspaper men in this State, that they could not continue the publication of their respective papers but for the legal patronage. Deprive them of this, and concentrate the whole upon one single paper, will result in enriching and building up the one at the expense of a principle if applied to all the pursuits of mankind, would result in the subversion of civilization. The intelligence and enterprise of communities, as well as of States, depends largely upon the number and ability of newspapers published and read by the citizens thereof, and in the opinion of your committee, there should be but one guarantee to success in this, as all other enterprises, and that should be, industry, energy, and ability. If the editors of "loyal" or disloyal papers fail to possess the qualifications necessary to success, is it right or just that the political party that happens to be in power, should have authority, by law, to squander the hard-earned money of the whole people, upon a worthless political partizan, thereby enabling him to publish a more worthless newspaper.

Finally, the objections to the adoption of said resolution or ordinance, are so numerous and grave that your committee deems it unnecessary to further occupy your valuable time in calling attention to them.

GEO. STOVALL.

Mr. Weir offered the following:

*Resolved,* That no per diem or other compensation be allowed to any delegate of this Convention for the time he has heretofore had leave of absence, or may hereafter obtain leave to be absent from his duties in this Convention, and in all cases when the said delegates have drawn warrants for the time they have been absent, the amounts thus received shall be deducted from the per diem to which they may be entitled for services they may hereafter render in this Convention.

Mr. Castello moved to refer to committee on Contingent Expenses.

Mr. Clarke moved to lay the motion to refer on the table.

Mr. Orr offered the following:

*Resolved,* That hereafter no leave of absence shall be granted to any member for a longer time than three days, except in cases of sickness.

Mr. Clarke moved to lay the resolution on the table;

Which was lost.

Mr. Phillips offered the following:

*Resolved*, That members of this Convention receive no compensation for the time occupied in legislation, and that they receive pay alone for the time actually engaged in framing the Constitution.

Which was laid on the table.

Mr. Alderson moved to lay the resolution and amendments on the table; which was lost, by the following vote:

YEAS—Messrs. Alderson, Ballard, Beam, Brinson, Chapman, Compton, Elliott John, Elliott James, Goss, Herbert, Howe, Jacobs, Johnson S., Jones, Kerr, Musgrove, Montgomery, Mygatt, McCutchen, McKnight, Nelms, Newsom, Ozanne, Phillips, Stovall, Stiles, Toy, and Woodmansee—28.

NAYS—Messrs. Alcorn, Barry, Bonney, Bridges, Caldwell, Castello, Chappell, Clarke, Dowd, Drane, Fawn, Field, Fitzhugh, Gaither, Gray, Holland, Hutto, Jamison, Lack, Lawson, Leas, Leonard, Longmire, Mayson, Mask, Moore, Morgan, Myers, Orr, Parsons J. R., Peyton E. A., Railsback, Richardson, Smith, Stewart, Stites, Stringer, Townsend, Vaughan, Warren, Weir, and Yeoman—42.

Mr. Musgrove moved to strike out all after the word "resolved," and insert "that after the 15th inst. no leave of absence shall be granted to any delegate to this body for a longer period than three days, without forfeiture of per diem for such cases.

Mr. Morgan moved to lay the resolution on the table;

Which was carried.

Mr. Alderson offered the following amendment:

*Resolved*, That no member hereafter absent from this Convention, except on account of sickness, shall receive any compensation during said absence.

Mr. Castello offered the following:

And that this Convention elect a competent physician to inquire into the health of all absent members.

Mr. Stiles moved to defer the consideration of the original and amendments, until the 1st day of May;

Which was lost, by the following vote:

YEAS—Messrs. Alderson, Ballard, Beam, Bonney, Brinson, Castello, Compton, Elliott John, Elliott James, Fitzhugh, Gray, Herbert, Howe, Jacobs, Johnson S., Johnson A., Kerr, Leas, Musgrove, Montgomery, Moore, Myers, Mygatt, McCutchen, McKnight, Nelms, Ozanne, Phillips, Stringer, Stiles, Toy, Woodmansee, and Yeoman—34.

NAYS—Messrs. Alcorn, Barry, Bridges, Caldwell, Chappell, Clarke, Dowd, Drane, Fawn, Field, Gaither, Goss, Handy, Holland, Hutto, Jamison, Lack, Leonard, Longmire, Mayson, Mask, Morgan, Neilson, Newsom, Orr, Parsons J. R., Peyton E. A., Railsback, Richardson, Smith, Stewart, Stites, Stovall, Stricklin, Townsend, Vaughan, Walker, Warren, Weir—39.

Mr. Stiles moved to postpone indefinitely.

Mr. Clarke moved to lay on the table; which was carried.

Mr. Warren moved the previous question;

Which was sustained.

The amendment of Mr. Castello was lost.

And the amendment of Mr. Alderson was carried.

The yeas and nays being called on the resolution as amended, resulted as follows:

YEAS—Messrs. Alcorn, Bridges, Chappell, Dowd, Field, Goss, Handy, Holland, Hutto, Longmire, Mayson, Morgan, Myers, Neilson, Orr, Parsons J. R., Peyton E. A., Richardson, Smith, Stewart, Stricklin, Townsend, Vaughan, Warren, and Weir—25.

NAYS—Messrs. Alderson, Ballard, Barry, Beam, Brinson, Caldwell, Castello, Clarke, Compton, Drane, Elliott John, Elliott James, Fawn, Fitzhugh, Gaither, Gray, Hauser, Herbert, Howe, Jacobs, Jamison, Johnson S , Johnson A., Jones, Kerr, Lack, Lawson, Leas, Leonard, Mask, Musgrove, Montgomery, Moore, Mygatt, McCutchen, McKnight, Nelms, Newsom, Ozanne, Phillips, Railsback, Stites, Stovall, Stringer, Stiles, Toy, Walker, Woodmansee, and Yeoman—49.

Pending the announcement of the vote, the special order of the day was called, which was the consideration of the report from the majority of the committee on the Legislative Department.

The Convention resolved itself into a Committee of the Whole, Mr. Musgrove in the chair, and after certain proceedings had therein, the committee rose, reported progress, and asked leave to sit again;

Which was granted.

The report of the minority of the Legislative Committee lies over.

Mr. Castello offered the following:

*Resolved*, That the following letter be signed by the President and Secretary of this Convention, and be telegraphed to the Genenral of the Army of the United States, as the sense of this Convention on the matter contained therein.

MISSISSIPPI CONSTITUTIONAL CONVENTION,
HALL OF REPRESENTATIVES,
JACKSON, MISS., February 13th, 1868.

*Gen. U. S. Grant, Commanding U. S. Army:*

SIR—The commanding officer of this (4th) Military District, having been applied to to enforce an ordinance passed by this Convention, in conformity with section 8 of an Act of Congress, passed March 2d, 1867, has postponed his decision in the matter; and as it is impossible to enforce the provisions of said ordinance without the assistance and concurrence of the commanding officer of this district, the Constitutional Convention of the State of Mississippi in convention assembled, respectfully ask that you issue an order commanding him to prohibit the interference of State courts in the collection of taxes levied by said ordinance, by virtue of said section 8 of the Act of

March 2d, 1867, and to aid to the extent of his power to carry into execution its provisions.

Mr. Clarke, of Yazoo, moved to adopt.

Pending the consideration, the Convention adjourned to meet at 10 A. M., to-morrow.

T. P. SEARS,
*Secretary.*

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## THIRTY-FOURTH DAY.

JACKSON, MISS., Friday, February 14th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Compton, Conley, Cunningham, Dowd, Drane, Elliott John, Elliott James, Fawn, Field, Fitzhugh, Gaither, Goss, Gray, Handy, Hauser, Hemmingway, Herbert, Holland, Howe, Hutto, Jacobs, Johnson S., Johnson A., Jones, Kerr, Lack, Lawson, Leas, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Miles, Mygatt, Merryman, Moore, Morgan, Myers, McCutchen, McKnight, Neilson, Nelms, Nesbitt, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Phillips, Quinn, Railsback, Richardson, Smith, Stewart, Stites, Stovall, Stricklin, Stringer, Stiles, Townsend, Toy, Vaughan, Walker, Warren, Weir, Woodmansee, and Yeoman—82.

The following delegates were absent:

Messrs. Barry, Collins, Combash, Dalton, Gibbs, Jamison, McKee, Peyton E. G., Powell, Rainey, Watson, Williams—12.

Journal of yesterday read and approved.

Leave of absence was granted to Mr. Myers for three days.

Sundry petitions for the creation of new counties were presented and referred to the committee on County Boundaries.

The committee on General Provisions submitted the following report:

MR. PRESIDENT: The committee to whom was referred a resolution asking the committee to report an ordinance in regard to contracts, beg leave to report the following ordinance:

SECTION 1. *Be it ordained by the people of the State of Mississippi, in Convention assembled,* That no contract shall be valid which, in any manner, abridges or affects the right of franchise of either party, and any person or persons demanding such conditions shall be disfranchised for the term of five years, from and after the ratification of the Constitution of this State, and shall pay a fine of five hundred dollars, to be collected by any court having jurisdiction.

SEC. 2. Whoever shall dismiss from employment any person or persons for having exercised the right of franchise, or for offering to exercise such right, shall, on conviction, be fined not less than two hundred and fifty dollars, and be disfranchised for the term of five years from and after the ratification of the Constitution of this State.

E. J. CASTELLO,
*Chairman.*
PERES BONNEY,
D. STITES,
GEO. STOVALL,
J. R. PARSONS,
*Committee.*

Report received, and one hundred copies ordered printed.

Unfinished business coming up, being the consideration of the resolution of Mr. Weir, as amended, introduced yesterday, Mr. Weir raised the point of order "that no person should vote who may be interested in the result."

The President decided the point not well taken.

Mr. Alderson moved to lay the resolution, as amended, on the table;

Which was carried.

Mr. Orr moved to reconsider the vote to lay on the table.

Mr. Fitzhugh moved to lay the motion to reconsider on the table;

Which was carried, by the following vote:

YEAS—Messrs. Alderson, Ballard, Bonney, Castello, Chapman, Compton, Dowd, Elliott John, Fawn, Fitzhugh, Gaither, Gray, Hauser, Hemmingway, Herbert, Howe, Hutto, Jacobs, Johnson S., Johnson A., Jones, Kerr, Lack, Lawson, Leas, Musgrove, Montgomery, Moore, Mygatt, McKnight, Nelms, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Phillips, Railsback, Stites, Stovall, Stringer, Stiles, Toy, Walker, Warren, Woodmansee, Yeoman—47.

NAYS—Messrs. Alcorn, Barry, Beam, Bridges, Brinson, Caldwell, Conley, Chappell, Cunningham, Drane, Elliott James, Field, Goss, Holland, Leonard, Longmire, Mayson, Mask, Morgan, McCutchen, Neilson, Peyton E. A., Quinn, Richardson, Smith, Stewart, Stricklin, Townsend, Vaughan, Weir—30.

Mr. Field offered the following:

WHEREAS, Much of the present pecuniary embarrassment of the people and consequent depression of their energies, result from their indebtedness for the purchase of slaves; and

*Whereas*, By the late war, all property in them has been lost by the mutual wrong doings of buyer and seller, and by the acts and doings of the people of Mississippi and of the United States, through their public authorities, whereby contracts for such property have been not only impaired, but totally destroyed, and as public policy and justice to all concerned, demands relief from all obligations so incurred; therefore,

*Be it ordained by this Convention, the people and Congress concurring*, That all pecuniary liabilities of every sort, on account of the purchase of such property, are hereby declared void, and no process shall hereafter issue from any court of law or equity in this State to enforce them; and

*Whereas*, From like causes, there has been deterioration in the value of property of all sort, from five to ten fold; therefore,

*Be it ordained*, That justice and equity demands the reduction from the indebtedness of any individual to his creditors the amount of three-fourths of their claims, the people and Congress concurring, that all debts, of every sort, incurred prior to the 1st of April, 1865, may be discharged in full by the payment of one-fourth the original debt in lawful currency.

Mr. Castello moved to refer to the committee on Ordinance and Schedule;

Which was carried.

Mr. Phillips presented the following names of persons as suitable for relief from their present disabilities: James S. Houck, James F. Sample, James C. Arlson, Thomas B. Turner, and Jacob C. Louhaupt.

Referred to the committee appointed for the recommending of names to Congress.

Mr. Richardson offered the following:

WHEREAS, It is altogether manifest that speed and dispatch in the progress of the business before this Convention should be encouraged; and that only is consistent with the welfare of the country and the judicious and speedy discharge of our duties in this Convention; therefore be it

*Resolved*, That from this time forward, this Convention have two sessions of three hours each per day, the morning session to commence at half-past 9 o'clock and adjourn at half-past 12 o'clock P. M; the evening session from 2 o'clock P. M., until 5 P. M.

Mr. Ozanne moved to insert "10," instead of "9½ o'clock."

Mr. Castello moved to amend by inserting "8," instead of "9" o'clock.

Mr. Orr moved that the original and amendments be laid on the table;

Which was carried.

Mr. Alcorn offered the following:

*Resolved*, That no future Legislature shall tax labor in any manner, but property alone shall bear the expenses of government, nor shall any county or municipal corporation in future be allowed to tax labor, but shall collect their revenue from property; the Legislature shall levy taxes for the ordinary expenses of government only, and the police privileges of selling intoxicating drinks and taxes on profits, shall be for extraordinary expenses.

Referred to the committee on Legislative Department.

Mr. Morgan offered the following:

*Resolved*, That on and after February 15, no member of this Convention shall be entitled to receive his per diem while absent on leave, except leave be granted the member on account of sickness.

Mr. Orr moved to lay on the table;

Which was lost, by the following vote:

Yeas—Messrs. Alcorn, Beam, Brinson, Compton, Elliott James, Fitzhugh, Hauser, Herbert, Howe, Jacobs, Johnson S., Johnson A., Kerr, Lawson, Leas, Merryman, McKnight, Orr, Ozanne, Smith, Stovall, Stringer, Stiles, Weir, Woodmansee—25.

Nays—Messrs. Alderson, Ballard, Barry, Bonney, Bridges, Caldwell, Castello, Clarke, Conley, Cunningham, Dowd, Drane, Elliott John, Fawn, Field, Gaither, Goss, Gray Hemmingway, Holland, Hutto, Lack, Longmire, Mayson, Mask, Musgrove, Montgomery, Moore, Morgan, McCutchen, Nesbitt, Newsom, Peyton, Phillips, Quinn, Railsback, Richardson, Stewart, Stites, Townsend, Toy, Vaughan, Walker, Yeoman—44.

Mr. Orr offered the following as an amendment, which was accepted by Mr. Morgan:

*Provided* That all members absent when the yeas and nays are called upon any question, shall forfeit their per diem.

Mr. Clarke moved the previous question;

Which was not sustained.

Mr. Musgrove moved to amend the amendment, by inserting after the word "sickness," "or business of the Convention."

Mr. Stiles offered the following as an amendment to the amendment:

*Provided*, This shall not apply to those now absent on leave.

Mr. Hauser moved to indefinitely postpone the whole subject;

Which was carried.

Mr. Stovall offered the following:

Whereas, The fact has been demonstrated by physiologists, and long since settled as an axiom in science, that the progeny resulting from an intermarriage between the white and black races, are very liable to a character of hereditary diseases; that the children of the pure white or black, are not subject to diseases incurable in their nature, and most destructive to human life; that the general intermarriage of the two races occupying the South, will inevitably result in the destruction of both, and it should be the settled policy of all good men of both races, who desire the perpetuation and prosperity of their respective races, to discontinue such commingling; therefore, be it

*Resolved*, That an article be inserted in the Bill of Rights, adopted by this Convention, forbidding the intermarriage of white and colored persons one with the other, under penalty of both parties being indicted, and convicted to serve in the State penitentiary for not less than five years.

Mr. Stringer moved to lay on the table;

Which was lost, by the following vote:

Yeas—Messrs. Ballard, Bridges, Drane, Herbert, Holland Mayson, Moore, Mygatt, McKnight, and Stringer—10.

NAYS—Messrs. Alderson, Alcorn, Barry, Beam, Bonney, Brinson, Caldwell, Castello, Clarke, Compton, Conley, Cunningham, Dowd, Elliott John, Elliott James, Fitzhugh, Gaither, Goss, Gray, Hauser, Hemmingway, Howe, Hutto, Jacobs, Johnson S., Lack, Lawson, Leonard, Longmire, Mask, Musgrove, Montgomery, Merryman, Morgan, McCutchen, Nelms, Newsom, Orr, Parsons J. R., Peyton E. A., Quinn, Railsback, Richardson, Smith, Stewart, Stites, Stovall, Stricklin, Stiles, Townsend, Toy, Vaughan, Walker, and Yeoman.—55.

Special order called.

Mr. Newsom moved to suspend the rules to take further action on the resolution of Mr. Stovall.

Mr. Stricklin moved to lay the motion on the table;

Which was lost.

The question recurring on suspension of the rules, the motion of Mr. Newsom was lost.

Mr. Clarke moved to proceed to consider the Bill of Rights by sections.

Mr. Parsons, of Adams, moved that the Convention resolve itself into a Committee of the Whole for the consideration of the same;

Which was carried.

Mr. Elliott, of Monroe, in the chair.

The committee rose and reported progress.

Mr. Cunningham moved that the rules be suspended, and that the Convention proceed to act upon the Bill of Rights and preamble to the same;

Which was carried.

Mr. Herbert offered the following as a preamble:

We, the people of the State of Mississippi, in Convention assembled, in order to create a more perfect form of Republican government, establish justice, insure domestic tranquility, provide a system of common schools among the people for the education of their children, reward labor and secure the blessings of liberty for ourselves and to our posterity, do ordain and establish this Constitution of government for the State of Mississippi, of all declaring "these truths to be self evident that all men are created free and equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuits of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

Mr. Railsback offered the following as an amendment to the preamble:

To the end that justice be established, order maintained, and liberty perpetuated, we, the people of the State of Mississippi, grateful to Almighty God for the free exercise of the right to choose our own form of government, do ordain this Constitution.

Which was adopted.

Mr. Railsback moved to reconsider; which was lost.

Mr. Herbert offered the following as an amendment to the amendment:

Amend the first amendment by striking out the words, "we, the people," and striking out all in the original preamble after the words, "we the people," and inserting the remainder of said first amendment.

Mr. Compton moved to lay the amendment and the amendment to the amendment on the table;

Which was carried.

Mr. Field offered the following as an amendment to the original:

We, the people of the State of Mississippi, in Convention assembled, with a view to honor God, and benefit ourselves and our posterity, do hereby ordain the following Constitution of civil government.

Which amendment was laid on the table.

Mr. Parsons offered to amend as follows:

To the end that justice be established, public order maintained, and liberty perpetuated, we, the poople of the State of Mississippi, grateful to Almighty God for the free exercise of the right to choose our own form of government, do ordain this Constitution.

Which was lost.

Mr. Orr moved a suspension of the rules, to admit of substitutes to all reports of standing committees on their second reading;

Which was lost.

A motion to adjourn was lost.

Mr. Compton moved to suspend the rules, so that a substitute for the preamble to the Bill of Rights, may be offered.

Mr. Orr moved to lay on the table;

Which was lost.

And the motion to suspend the rules prevailed.

Mr. Parsons offered his amendment as a substitute.

A motion was made to lay on the table;

Which was lost.

Mr. Clarke moved the previous questiou;

Which was carried.

And the amendment of Mr. Parsons, of Adams, as a substitute to the original preamble, was adopted.

The Convention adjourned to meet to-morrow at 10 o'clock.

T. P. Sears,
*Secretary.*

## THIRTY-FIFTH DAY.

Jackson, Miss., Saturday, February 15th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Compton, Conley, Cunningham, Dalton, Dowd, Drane, Elliott John, Elliott James, Fawn, Field, Fitzhugh, Gaither, Gibbs, Goss, Gray, Hauser, Hemmingway, Herbert, Holland, Howe, Hutto, Jacobs, Johnson S., Johnson A., Jones, Kerr, Lack, Lawson, Leas, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Merryman, Moore, Morgan, Mygatt, McCutchen, McKee, McKnight, Neilson, Nelms, Nesbitt, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Phillips, Quinn, Railsback, Richardson, Smith, Stewart, Stiles, Stovall, Stricklin, Stringer, Stites, Townsend, Toy, Vaughan, Walker, Warren, Weir, Woodmansee, Yeoman—84.

The following delegates were absent:

Messrs. Collins, Combash, Handy, Jamison, Myers, Peyton E. G., Powell, Watson, and Williams—9.

Journal of yesterday read and approved.

The committee on Enrollment reported as follows:

Mr. President: Your committee on Enrollment having examined an ordinance providing for the printing of the Journal of the Convention in certain newspapers, and fixing compensation therefor, report that they find it correctly enrolled.

James Weir,
*Chairman.*

Standing committees reported as follows:

Committee on General Provisions reported progress.

Committee on Printing reported progress.

Committee on Finance reported progress.

Committee on Militia reported progress.

Mr. Morgan introduced the following:

*Resolved*, That the committee known as the committee to draft a Constitution, be styled "the committee on Form and Arrangement of the Constitution to be framed by this Convention."

Mr. Hauser moved the previous question on Mr. Morgan's resolution;

Which was sustained.

Mr. Compton claimed that an amendment offered by Mr. Townsend, but not read from the Secretary's desk, was the previous question.

Chair decided Mr. Morgan's resolution the previous question.

Mr. Compton appealed from the decision of the Chair, and the Chair was sustained.

And the resolution of Mr. Morgan was adopted.

Mr. Hauser moved to suspend the rules, and take up the report of the committee on Bill of Rights.

Mr. Castello moved to lay the motion on the table;

Which was lost.

The question recurring on the motion of Mr. Hauser, it was adopted.

Mr. Compton moved to go into the Committee of the Whole;

Which was lost.

Mr. Townsend moved to reconsider the vote just taken.

Mr. Moore moved to lay on the table;

Which was carried.

Section 1: Mr. Stricklin moved to amend, by striking out the words "resident in the State," after the word "persons," in the first line, and insert in lieu thereof, the words, "who have been legally domiciled in the State of Mississippi for five years next preceding the adoption of this Constitution."

Which was laid on the table.

Mr. Field moved to amend, after the words "all persons," in the first line, by inserting "who have resided in this State twelve months, whether native or naturalized," and the words "resident in the State, born in the State, or naturalized," be erased or stricken out;

Which was laid on the table.

Mr. Stricklin moved to amend as follows:

After the word "all," in the first line, insert the word "white."

Mr. Musgrove called the previous question on the amendment of Mr. Stricklin;

Which was sustained; and the amendment was lost, by the following vote:

Yeas—Messrs. Compton, Dalton, Gaither, Gray, McCutchen, Neilson, Nelms, Stricklin, and Townsend—9.

Nays—Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Conley, Cunningham, Dowd, Drane, Elliott John, Elliott James, Fawn, Field, Fitzhugh, Gibbs, Goss, Hauser, Hemmingway, Herbert, Holland, Howe, Hutto, Jacobs, Johnson S., Johnson A., Jones, Kerr, Lack, Lawson, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Moore, Morgan, Mygatt, McKee, McKnight, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E A., Quinn, Railsback, Richardson, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Warren, Weir, Woodmansee, and Yeoman—69.

The Chair decided that debate was not in order when the previous question was ordered.

Mr. Morgan appealed from the decision of the Chair, and the Chair was sustained.

The question recurring on the adoption of the section as read, it was lost, by the following vote:

Yeas—Messrs. Barry, Bonney, Bridges, Brinson, Caldwell, Chapman, Clarke, Dowd, Drane, Elliott James, Fawn, Gibbs, Hauser, Holland, Jacobs, Johnson A., Leonard, Mayson, Moore, Morgan, Mygatt, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Railsback, Stewart, Stites, and Stringer—29.

NAYS—Messrs. Alderson, Alcorn, Ballard, Beam, Castello, Chapman, Chappell, Compton, Conley, Cunningham, Dalton, Elliott John, Field, Fitzhugh, Gaither, Goss, Gray, Hemmingway, Herbert, Howe, Hutto, Johnson S., Jones, Kerr, Lack, Lawson, Longmire, Mask, Musgrove, Montgomery, McCutchen, McKee, McKnight, Neilson, Nelms, Nesbitt, Newsom, Orr, Phillips, Quinn, Rainey, Richardson, Smith, Stovall, Stricklin, Stiles, Townsend, Toy, Walker, Weir, and Yeoman—51.

Mr. Musgrove moved to strike out all after the word "persons," in the first line, and insert, "all male persons, without regard to race, color or previous condition, born or naturalized in, or who shall have legally declared their intentions to become citizens of the United States, and inhabitants of this State one year, are citizens of this State, and shall enjoy the same public civil and political rights and privileges, and be subject to the same pains and penalties."

Mr. Hauser offered the following amendment:

"All persons citizens of the United States, without regard to race or color, resident in this State one year, shall be deemed citizens of this State, and shall enjoy all the civil and religious rights due to any one under this Constitution."

Mr. McKee moved to lay both amendments on the table;

Which was carried.

Mr. Herbert moved to amend section 1 by striking out all after the word "naturalized," in third line, down to the words "United States," in the sixth line, so that the section will read, "All persons resident in the State, born in the United States, or naturalized, are hereby declared citizens of the State of Mississippi, possessing equal civil and political rights, and public privileges."

Mr. Parsons, of Adams, offered the following amendment:

After the word "persons," in the first line, insert the words, "except those who voluntarily engaged in the late rebellion against the United States."

A motion was made to lay all amendments on the table;

Which was carried, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Compton, Conley, Cunningham, Dalton, Dowd, Drane, Elliott John, Elliott James, Fawn, Field, Fitzhugh, Gaither, Gibbs, Goss, Gray, Hemmingway, Herbert, Holland, Howe, Hutto, Jacobs, Johnson S., Johnson A., Lack, Lawson, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Merryman, Moore, Morgan, Mygatt, McCutchen, McKee, McKnight, Nelms, Nesbitt, Newsom, Orr, Ozanne, Parsons F., Phillips, Quinn, Railsback, Rainey, Richardson, Stewart, Stites, Stovall, Stringer, Stiles, Townsend, Toy, Walker, Warren, and Woodmansee—72.

NAYS—Messrs. Neilson, Peyton, Smith, and Weir—4.

Mr. Hemmingway offered the following amendment:

"All male persons twenty-one years of age, citizens of the United States, who have been naturalized, or who shall have legally declared their intention to become citizens of the

United States, and have resided in this State for twelve months, are hereby declared citizens of the State of Mississippi, possessing equal civil and political rights.

Mr. Compton moved that the amendments proposed to section 1, with the section, be referred to a committee consisting of Messrs. Mygatt, Herbert, and Hemmingway,

And moved the previous question;

Which was sustained.

And the resolution of Mr. Compton was adopted.

Section 2 was adopted as read.

Section 3:

Mr. McKee moved to strike out all of the section after figure "3," in first line, and insert the following: "The privilege of the writ of *habeas corpus* shall not be suspended unless where in case of rebellion or invasion the public safety may require it."

Which was adopted.

And section 3 was adopted as amended.

Section 4:

Mr. Orr offered to amend as follows:

After "libel," in fourth line, insert "the truth may be offered in evidence."

Mr. Cunningham moved to lay the amendment on the table;

Which was carried.

Mr. Clarke moved to amend by striking out, in the fourth line, "have right to."

Mr. Orr moved to lay the amendment on the table;

Which was lost.

And section 4 was adopted as amended.

Section 5:

Mr. Beam moved to amend by striking out "by a second trial," in third line, and insert "no person's life or liberty shall be twice placed in jeopardy for the same offense;"

Which was adopted.

And section 5 was adopted as amended.

Section 6 was adopted as read.

Section 7:

Mr. Castello moved to amend by striking out "may demand," and insert "shall have," in second line.

Mr. McKee moved to lay the amendment on the table;

Which was carried.

Mr. McKee moved to strike out all after "7" in first line, and insert "That in all criminal prosecutions the accused hath a right to be heard, by himself or counsel, or both; to demand the nature and cause of the accusation; to be confronted by the witnesses against him; to have a compulsory process for obtaining witnesses in his favor, and in all prosecutions by indictment or information, a speedy and public trial by an impartial jury of the county where the offense was committed; that he cannot be compelled to give evidence against himself; nor can he be deprived of his life, liberty, or property, but by due course of law;" which was adopted;

And the section as amended was adopted.

Section 8:

Mr. Orr moved to amend as follows: After the word "required," in the second line, insert "cruel or unnatural punishment shall not be inflicted."

Mr. Comptom moved to amend as follows: Before the word "excessive," in the first line, insert "cruel or unusual punishment shall not be inflicted."

A motion to adjourn was lost.

Mr. Morgan moved to table the amendment of Mr. Compton;

Which was lost.

And the amendment of Mr. Compton was adopted.

And the amendment of Mr. Orr was lost.

Mr. Conley moved to amend as follows: After the word "required," in the second line, insert "nor excessive fines imposed;"

Which was adopted.

Section 8 was adopted, as amended.

Mr. Compton moved to reconsider.

A motion was made to lay on the table;

Which was lost.

And the motion to reconsider was carried.

Mr. Compton then moved to so transpose the amendments as that section 8 would read as follows:

"Cruel and unusual punishment shall not be inflicted, nor excessive fines imposed," etc.;

Which was adopted.

The Convention adjourned until 10 o'clock, Monday.

T. P. Sears,
*Secretary.*

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## THIRTY-SIXTH DAY.

Jackson, Miss., Monday, Febeuary 17th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Conley, Compton, Dalton, Dowd, Drane, Elliott John, Elliott James, Fawn, Fitzhugh, Gaither, Gibbs, Goss, Gray, Hauser, Hemmingway, Herbert, Holland, Howe, Hutto, Jacobs, Johnson S., Johnson A., Jones, Kerr, Lack, Lawson, Leas, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Merryman, Moore, Morgan, Mygatt, McCutchen, McKee, McKnight, Neilson, Nelms, Nesbitt, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Phillips, Quinn, Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stovall, Stricklin, Stringer, Stites, Townsend, Toy, Vaughan, Walker, Warren, Weir, Woodmansee, and Yeoman—83,

The following delegates were absent:

Messrs. Collins, Combash, Cunningham, Field, Handy, Jamison, Myers, Peyton E G, Powell, Watson, and Williams—11.

Journal of Saturday was read and approved.

Leaves of absence were granted to the following named gentlemen for the period affixed to their names:

Mr. Cunningham for one day; Mr. Drane for one day; Mr. Orr for one day.

Mr. Holland presented a petition from sundry citizens of Carroll county, praying for the formation of a new county.

Referred to committee on County Boundaries.

The committee on General Provisions made an additional report, as follows:

Mr. President—The committee to whom was referred a resolution asking the committee to report an ordinance in regard to contracts, beg leave to report the following ordinance and preamble:

Whereas, In a republic, the foundation of government is the right of suffrage, and therefore, this right should be guarded from all under influences, and secured in such manner that the free and untrammeled voice of the people should be heard; therefore,

*Be it ordained by the people of the State of Mississippi in Convention assembled:*

Section 1. No contract shall be valid which in any manner abridges or affects the right of franchise of either party; and any person or persons demanding such conditions shall be disfranchised for the term of five years from and after the ratification of this Constitution, and shall pay a fine of five hundred dollars to be imposed by any court having competent jurisdiction.

Sec. 2. Whoever shall dismiss from employment any person or persons, for having exercised the right of franchise or for offering to exercise such right, shall, on conviction, be fined not less than two hundred and fifty dollars, and be disfranchised for the term of five years from and after the ratification of this Constitution.

E. J. Castello,
*Chairman.*

Peres Bonney,
Chas. W. Clarke,
D. Stites,
G. Stovall,
J. R. Parsons,
*Committee.*

Report received and one hundred copies ordered to be printed.

The select committee, to whom was referred for consideration section 1 of the Bill of Rights, made the following reports:

*To the President of the Constitutional Convention:*

Sir—The undersigned, a member of the special committee to whom was referred the resolution on, and together with the first section of the Bill of Rights, as reported by the standing committee on the same, would beg leave to report that said committee has met and disagreed among themselves, and he would say for himself that he would amend the first section of said Bill of Rights by striking out all after the words "section 1," and inserting the following to-wit:

That all men framing for themselves a compact of government are equal in all civil and political rights, and no man or set of men are entitled to exclusive separate public emoluments or privileges from the community but in consideration of public services; and all persons born or naturalized in the United States, and subject to the jurisdiction thereof, residing in the State of Mississippi, are hereby declared to be citizens of said State, and no law shall ever be passed which shall in anywise abridge their privileges or immunities.

And having so reported, the undersigned would respectfully recommend the adoption of said amendment.

James L. Herbert.

*To the President of the Constitutional Convention:*

Sir—The undersigned asks leave respectfully to submit the following as his report from the select committee of three to whom was referred, for their consideration, the first section of the Bill of Rights, with all amendments thereto, to-wit:

All persons who are citizens of the United States or have declared, according to law, their intention to become such citizens, and who shall have resided in this State for the period of one year, with the intention of becoming citizens thereof, are hereby declared to be citizens of the State of Mississippi, and entitled to the privileges of citizenship, subject, however, to be deprived of the same for crime, whereof the party shall have been convicted by due course of law.

W. L. Hemmingway.

*To the President of the Constitutional Convention:*

Sir—The undersigned begs leave to make the following report:

All persons, citizens of the United States, or who shall have declared their intention to become such, without regard to race or color, residing in this State, shall be deemed citizens thereof and entitled to all the civil and religious rights and privileges due to any one under this Constitution.

A. Mygatt.

Mr. Hauser moved to print the reports.

Mr. Gibbs moved to amend as follows:

That they be received and considered when the report of the committee on the Bill of Rights is taken up, and the committee discharged.

Mr. Morgan moved that the reports lie on the table, and the committee be discharged;

Which was carried.

Mr. Morgan, of Yazoo, offered the following:

*Resolved*, That W. T. Stricklin, a member of this Convention, from the county of Tippah, having on the fourteenth instant, in a preamble offered by him to the Bill of Rights, then under consideration for adoption as part of the Constitution of the State, used the following language: "We, the carpet-baggist and scalawags from the States of Ohio, Vermont, Connecticutt, Maine, and Africa, do ordain and proclaim this to be the document upon which we predicate all our hopes for the success of the Radical party," deserves the censure of this Convention, and the President is hereby directed forthwith to pronounce that censure at the bar of this Convention.

Mr. Gibbs moved to refer to a special committee of three.

Mr. Fitzhugh moved to lay the whole matter on the table;

Which was carried.

Mr. Gibbs moved that the Sergeant-at-Arms clear the galleries and lobbies;

Mr. Townsend moved to take up the resolution of censure on Mr. Stricklin from the table;

Which was lost.

The committee on County Boundaries, through their Chairman, submitted the following report:

*To the President of the Constitutional Convention:*

Sir—The committee on County Boundaries, beg leave to report that a number of petitions and applications numerously signed, have been laid before them for the purpose of forming new counties, which your committeee find are imperatively needed in several instances. Before taking action on the same, your committee heard testimony as to the proposed area of such counties; and have come to the decision embodied in the following ordinance, which they consider the best adapted for this State, and recommend that it receive the favorable consideration of the Convention:

*Be it ordained by the people of Mississippi, in Convention assembled*, That from and after the passage of this ordinance, the area of any and every new county to be hereafter formed, shall not be less than three hundred and twenty-four (324), nor more than nine hundred (900), square miles.

G. H. Holland,
*Chairman.*

Report received.

Mr. Compton moved that the Convention resolve itself into a Committee of the Whole.

Mr. Gibbs moved to lay the motion on the table;

Which was carried.

Mr. Townsend moved to adjourn;

Which was lost.

The Convention then proceeded to the consideration of section 9 of the Bill of Rights.

Mr. Parsons, of Adams, offered the following amendment:

No *expost facto* law or laws impairing the obligation of contracts shall ever be passed.

Mr. Gibbs moved to postpone the further consideration of the Bill of Rights.

Mr. Compton moved to table the motion of Mr. Gibbs;

Which was lost.

And the motion of Mr. Gibbs was carried.

Mr. Fitzhugh moved a reconsideration of the vote laying the resolution of censure upon Mr. Stricklin on the table.

Pending which, the Convention adjourned until 10 o'clock to-morrow.

T. P. SEARS,
*Secretary.*

## THIRTY-SEVENTH DAY.

JACKSON, MISS., Tuesday, February 18th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Compton, Conley, Cunningham, Dalton, Dowd, Drane, Elliott John, Elliott James, Fawn, Field, Fitzhugh, Gaither, Gibbs, Goss, Gray, Hauser, Hemmingway, Herbert, Holland, Howe, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Jones, Kerr, Lack, Lawson, Leas, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Miles, Merryman, Moore, Morgan, Myers, Mygatt, McCutchen, McKee, McKnight, Neilson, Nelms, Nesbitt, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Phillips, Quinn, Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stovall, Stricklin, Stringer, Stiles, Townsend, Toy, Vaughan, Walker, Warren, Weir, Woodmansee, and Yeoman—89.

The following delegates were absent:

Messrs. Collins, Handy, Peyton E. G., Powell, Watson, and Williams—6.

Journal of yesterday read and approved.

Mr. Stricklin offered the following:

*To the President and Members of the Constitutional Convention, of the State of Mississippi:*

When I offered, and read upon this floor, my preamble to the

Bill of Rights, as a substitute to the various and sundry other preambles and amendments thereto, I did not mean to insult this body, and intended so to state, if occasion required. When assailed, however, honor and pride forbade any explanation or retraction on my part. I have to say in addition to this, that on yesterday, while in a moment of excitement, I made use of improper and unparliamentary language. I meant no insult or indignity to this body, and, so far as the Convention is concerned, retract it.

Explanation received.

Mr. Weir moved to adjourn until the 18th day of March next.

Mr. Orr moved to table;

Which was carried.

Mr. Vaughan offered the following:

WHEREAS, On yesterday there occurred things and matters in this hall in which the members of this Convention are only interested, and b ing, as it were, a family difference; be it therefore,

*Resolved*, That the President have the lobby and gallery cleared this morning, before the Convention proceeds to business.

Mr. Orr offered the following amendment.

*Resolved*, That the lobbies and galleries of this Convention be cleared of all persons except members and officers and guests specially invited to remain.

Mr. Alderson moved to further amend as follows: "And that this Convention go into secret session for the day;

Which was lost.

The question recurring on the amendment of Mr. Orr, it was adopted, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Compton, Conley, Cunningham, Dalton, Dowd, Drane, Elliott John, Elliott James, Fawn, Field, Fitzhugh, Gaither, Gibbs, Hauser, Hemmingway, Herbert, Holland, Howe, Hutto, Jacobs, Johnson S., Johnson A., Jones, Kerr, Lack, Lawson, Leas, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Neilson, Nelms, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Phillips, Quinn, Railsback, Smith, Stewart, Stites, Stovall, Stricklin, Stringer, Stiles, Townsend, Toy, Vaughan, Walker, Warren, Weir, Woodmansee, Yeoman—79.

NAYS—Messrs. Ballard, Gray, McCutchen—3.

The Convention took a recess of twenty minutes.

Upon reassembling, the committee on Printing reported progress.

The resolution of Mr. Stovall, introduced on the 14th of February, was called up, and the following, by Mr. Newsom, was accepted by Mr. Stovall, as an amendment to the original resolution:

"And all persons of this State living in a state of concubinage and miscegination, shall, on conviction thereof by any criminal court having jurisdiction, be fined in any sum not less than five hundred dollars nor more than one thousand dollars, each, and in default thereof shall be confined in the State penitentiary, at hard labor, not less than five years nor more than ten years, and be forever incapable of voting at any election in this State, and from giving testimony in any court of justice; and any person or persons giving information of such offending parties shall be paid one-half of said fine—the other moiety shall be applied to the support of public education of the State."

"In any case where the parties convicted fail to pay the fine, and are sentenced to the State prison, the informant shall be paid by the State the sum of fifty dollars for services thus rendered to the State."

Mr. Stites offered the following amendment:

*Resolved*, That white men living with and cohabiting with females of color, except under and by virtue of the rights of marriage, are guilty of a greater crime than that of adultery, and that the Legislature under the forthcoming Constitution, be required, at its first session, to make such laws as will prevent the spread of such crime, and shall impose a fine and imprisonment on such guilty white men, or disqualify them from the rights of citizenship.

Mr. Clarke moved to refer the resolution and amendment to the committee on Ordinance and Schedule.

Mr. Bridges moved to table the whole matter;

Which was adopted, by the following vote:

YEAS- Messrs. Alderson, Ballard, Beam, Bonney, Bridges, Brinson, Caldwell, Chapman, Chappell, Combash, Dowd, Drane, Fawn, Field, Fitzhugh, Hauser, Herbert, Holland, Jacobs, Johnson A., Jones, Lawson, Leas, Mayson, Moore, Mygatt, Ozanne, Parsons J. R., Stewart, Stiles, Stringer, Stites, Warner, Weir, Woodmansee, Yeoman—36.

NAYS—Messrs. Alcorn, Compton, Conley, Cunningham, Dalton, Ellott John, Gaither, Gibbs, Gray, Howe, Hutto, Johnson S., Kerr, Lack, Longmire, Mask, Musgrove, Montgomery, McCutchen, McKnight, Neilson, Nelms, Nesbitt, Newsom, Orr, Peyton E. A., Phillipps, Railsback, Smith, Stovall, Stricklin, Townsend, Vaughan, Walker—33.

The consideration of the Bill of Rights, being the unfinished business of yesterday, came up;

The amendment of Mr. Parsons, of Adams, to section 9, was adopted;

And section 9 was adopted as amended.

Section 10:

Mr. Compton moved to strike out in the fourth and fifth lines the words, "and also sites for educational purposes."

Mr. Leas moved to insert after "the," in seventh line, "location and."

Mr. Fitzhugh moved to lay amendments on the table.

The Chair decided the motion in order.

Mr. Compton appealed from the decision of the Chair, and the Chair was sustained;

And the motion to table prevailed.

Mr. Compton moved that the further consideration of section 10 be dispensed with, and the section be referred to the special committee of three, of which Mr. Mygatt is the chairman.

Mr. Musgrove moved to table;

Which was carried.

Mr. Gaither moved to amend as follows:

Strike out all after section 10 and insert, "Private property shall not be taken for public use, except upon due compensation first being made the owner or owners thereof in a manner to be prescribed by law.

Mr. Orr moved to lay on the table;

Which was lost.

Mr. Hauser moved the previous question;

Which was sustained;

And the amendment of Mr. Gaither was adopted.

And section 10 was adopted as amended.

Section 11:

Mr. Neilson moved to amend by inserting after "debt," in second line, "except in cases in which the debt was incurred by fraud, or in which the debtor fraudulently conceals his or her property;

Which was adopted.

And section 11 was adopted as amended.

Section 12:

Mr. Newsom moved to amend as follows:

After the word "inviolate," insert, "And no person shall be imprisoned without a preliminary examination and commitment by a Justice of the Peace or Judge having jurisdiction;

Which was laid on the table.

Mr. Parsons moved to amend as follows:

But a jury trial may be waived by the parties in all civil cases, in a manner to be provided by law.

Mr. Neilson moved to strike out the word "civil."

On motion, all amendments were laid on the table.

Mr. Stricklin moved to amend as follows:

After the word "by," in the 1st line, insert "a," and after the word "jury," in the 2d line, insert the words, "of white men."

Mr. Hauser moved to lay on the table;

Which was carried, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chappell, Clarke, Conley, Cunningham, Dowd, Drane, Elliott James, Fawn, Fitzhugh, Gibbs, Hauser, Hemmingway, Herbert, Howe, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Jones, Lack, Lawson, Leas, Mayson, Musgrove, Montgomery, Moore, Myers, Mygatt, Newsom, Orr, Ozanne, Parsons F., Peyton E. A., Richardson, Smith, Stewart, Stovall, Stringer, Stiles, Toy, Vaughan, Warren, Weir, Woodmansee, Yeoman—56.

NAYS—Messrs. Combash, Compton, Dalton, Gaither, McCutchen, Neilson, Nelms, Nesbitt, Phillips, Stricklin, Townsend, Walker—12.

Mr. Conley moved to amend as follows:

After the word "inviolate," insert "in all cases where the parties interested are all white, the jury shall be all white, if desired by the parties; and in all cases where the parties interested are all colored, the jury shall be all colored, if desired by the parties; and in all cases, where the parties interested are part white and part colored, the jury, if desired by either party, shall be half white and half colored;"

Which was laid on the table.

Mr. Parsons, of Adams, moved to amend as follows:

"But shall be deemed to be waived in all civil cases, unless demanded by one of the parties in such manner as shall be prescribed by law;"

Which was laid on the table.

Mr. Alderson moved to strike out "be," and insert "remain;"

Which was carried.

And section 12 was adopted as amended.

A motion to adjourn was lost.

Section 13: Mr. Townsend moved to strike out all after "section 13," and insert, "the qualification of jurors shall be determined by law;"

Which was laid on the table.

Mr. Vaughan moved to amend by inserting in the 3d line, after the word "juror," "but the juror shall be a qualified elector of the county, between the ages of 21 and 60 years, a house-holder or free-holder, who can read, write, and cypher."

Mr. Alderson moved to lay on the table;

Which was carried.

Mr. Parsons, of Adams, moved to postpone indefinitely;

Which was lost.

The Convention adjourned to meet at 10 o'clock to-morrow.

T. P. SEARS,
*Secretary.*

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## THIRTY-EIGHTH DAY.

JACKSON, MISS., Wednesday, February 19th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Compton, Conley, Cunningham, Dalton, Dowd, Drane, Elliott John, Elliott James, Fawn, Fitzhugh, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Hemmingway, Herbert, Holland, Howe, Hutto, Jacobs, Jamison, Johnson A., Johnson S., Jones, Kerr, Lack, Lawson, Leas, Leonard, Mayson, Mask, Musgrove, Montgomery, Miles, Merryman, Moore, Myers, Mygatt, McCutchen, McKee, McKnight, Neilson, Nelms, Nesbitt, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Phillips, Quinn, Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stovall, Stricklin, Stringer, Stiles, Townsend, Toy, Vaughan, Walker, Watson, Warren, Weir, Woodmansee, and Yeoman—88.

The following delegates were absent:

Messrs. Collins, Field, Longmire, Peyton E. G., Powell, and Williams—6.

Journal of yesterday read and approved.

Mr. D. McA. Williams, of Holmes, asked an extension of his leave of absence for five days;

Which was granted.

Pages Davidson and Salamon were discharged.

The committee on Finance submitted the following report, through their chairman, Mr. Parsons:

### AN ORDINANCE PROVIDING FOR THE LEVY AND COLLECTION OF A TAX TO DEFRAY THE EXPENSES OF THE CONSTITUTIONAL CONVENTION OF THE STATE OF MISSISSIPPI, PASSED FEBRUARY 19, 1868.

SECTION 1. *Be it ordained by the people of the State of Mississippi, in Convention assembled,* That a special tax of one-half of one per cent. be and the same is hereby levied upon the value of the stock now on hand in each and every dry goods, grocery, drug or provision store, and stocks of goods of every kind and nature not herein otherwise provided for.

SEC. 2. *Be it further ordained,* That a special tax of fifty dollars be and the same is hereby levied upon the contents of each and every auction store, each brewery, each bar-room, drinking saloon or other places where spirituous, vinous, malt or brewed liquors are sold by permission of law, and upon each wholesale liquor or rectifying establishment.

SEC. 3. *Be it further ordained,* That a special tax of twenty-five dollars be and the same is hereby levied upon each and every livery stable where horses or mules are kept for sale or hire, upon each saw-mill where lumber is sawed for sale, upon each coal yard, upon each carriage depository where carriages are kept for sale or hire, upon each nine or ten pin alley, exclusive of tax upon bar-rooms, and upon each wharf boat.

SEC. 4. *Be it further ordained,* That a special tax of ten dollars be and the same is hereby levied, upon the contents of each public inn, tavern, eating-house, or restaurant, exclusive of the tax upon bar-rooms, and upon each and every meat-stall where fresh meat is regularly kept for sale.

SEC. 5. *Be it further ordained*, That a special tax of two hundred dollars be and the same is hereby levied, upon each and every distillery where grain or fruits are distilled into spirituous or vinous liquors.

SEC. 6. *Be it further ordained*, That a special tax of one hundred dollars be and the same is hereby levied, upon each and every bank or banking establishment.

SEC. 7. *Be it further ordained*, That a special tax of fifty dollars be and the same is hereby levied on each and every gas house where gas is manufactured for the public use.

SEC. 8. *Be it further ordained*, That a special tax of fifty dollars be and the same is hereby levied, upon the press and material of each and every daily newspaper; thirty dollars opon each tri-weekly newspaper; and twenty dollars upon every weekly newspaper, published in the State; *Provided*, That when daily, tri-weekly and weekly papers, or tri-weekly and weekly, are published at the same office, then, and in that case, fifty dollars for the daily, or thirty dollars for the tri-weekly, as the case may be, shall only be levied and collected.

SEC. 9. *Be it further ordained*, That a special tax of twenty-five dollars be and the same is hereby levied, upon the press and material of each and every job printing office when separate from newspaper or publishing establishments.

SEC. 10. *Be it further ordained*, That a special tax of ten dollars be and the snme is hereby levied, upon the contents of each and every regularly established express office in this State.

SEC. 11. *Be it further ordained*, That a special tax of ten dollars be and the same is hereby levied, upon the instruments and material of each and every telegraph office where dispatches are received and sent; *Provided*, That this section shall not apply to offices used exclusively by railroads or banking establishments.

SEC. 12. *Be it further ordained*, That a special tax of two hundred dollars be and the same is hereby levied, upon the New Orleans, Jackson and Great Northern Railroad, the Vicksburg and Meridian Railroad, to be collected at Jackson, Mississippi; and upon the Mississippi Central Railroad, to be collected at Canton, Mississippi; and upon the Mobile and Ohio Railroad, to be collected at Columbus, Mississippi; and upon the Mississippi and Tennessee Railroad, to be collected at Grenada, Mississippi.

That a special tax of fifty dollars is hereby levied, upon the Meridian and Selma Railroad, to be collected at Meridian, Mississippi.

That a special tax of fifty dollars be assessed on the Memphis and Charleston Railroad, to be collected at Corinth, Mississippi.

That a special tax of fifty dollars be and the same is hereby levied, upon the West Feliciana Railroad, to be collected at Woodville, Mississippi.

That a special tax of ten dollars is hereby levied, upon the

Grand Gulf and Port Gibson Railroad, to be colledted at Port Gibson, Mississippi.

SEC. 13. *Be it further ordained*, That a special tax of twenty-five dollars be and the same is hereby levied upon each and every grist mill, and upon each cotton gin, where more than fifty bales of cotton were ginned for the public during the year 1867.

SEC. 14. *Be it further ordained*, That a special tax of one hundred dollars be and the same is hereby levied upon each and every steam ferryboat plying to or from any point on the Mississippi river in this State; a tax of twenty-five dollars be and the same is hereby levied upon all chartered ferries in the State; and a tax of twenty-five dollars be and the same is hereby levied upon each toll bridge and turnpike where toll is collected within the same.

SEC. 15. *Be it further ordained*, That a special tax of fifty cents per bale be and the same is hereby levied upon each and every bale of cotton now in store at any point in the State, or that may be received by any forwarding or commission merchant, or other person upon which the tax has not been paid levied under and by virture of this ordinance: *Provided*, That any person having cotton in possession claiming the tax to have been paid, must take and subscribe an oath that said tax has been paid, if required so to do by the Collector herein provided for.

SEC. 16. *Be it further ordained*, That a special tax of ten dollars be and the same is hereby levied upon each and every billiard table, in use in this State.

SEC. 17. *Be it further ordained*, That a special tax of ten dollars be and the same is hereby levied upon each and every photograph gallery.

SEC. 18. *Be it further ordained*, That if any railroad company or steamboat shall take on board within this State, and transport beyond the limits thereof any cotton in bales, knowing the tax assessed by this ordinance to remain due and unpaid, said railroad company or steamboat shall be subject to a fine of one hundred dollars, and ten dollars per bale in addition upon each and every bale so transported; and it shall be the duty of the Treasurer of this Convention to commence suit immediately against any railroad company or steamboat so offending, for the collection of said fines, said suit to be brought in any court having competent jurisdiction, and may employ counsel to prosecute the same.

SEC. 19. *Be it further ordained*, That this Convention, upon the recommendation of delegates thereto from the several counties, shall elect or appoint the necessary number of Collectors, not to exceed one in each county, who shall, before entering upon the duties of their office, take and subscribe the oath of office, provided for officers of the United States, by Act of Congress, dated July 2, 1862, which oath shall be deposited with the Treasurer of this Convention; *Provided*, That said Collectors shall receive, in full compensation for their services, five per cent. of all moneys collected by them under this ordinance; *And further*, That all Collectors who accepted their appointments under the ordinance hereby repealed shall be retained as Collectors for their respective counties under this ordinance.

SEC. 20. *Be it further ordained*, That it shall be the duty of the Collectors of the several counties to collect the tax herein provided and levied, after giving one day's previous notice thereof by posting conspicuously over the county a schedule of the taxes levied by this ordinance, and the day upon which he will proceed to collect the same; and in default of the payment of the tax assessed therein, the Tax Collector shall have power to levy upon, and sell, to the highest bidder, for cash, a sufficient amount of any personal property belonging to the defaulting party, to pay the amount of tax, with cost of levy and sale; *Provided*, That said Collector shall, in such case, give three days' previous notice of the time and place of sale, and the property to be sold, by posting notices thereof in five public places in the county; and if no purchaser for property levied upon appear, he shall ship the same to some point where it can be sold to pay the tax; *Provided further*, That where notice has been already given by the Tax Collectors under the ordinance hereby repealed, the Collector shall proceed to collect said tax without further or additional notice, and in default of payment, shall levy and sell in accordance with this ordinance.

SEC. 21. *Be it further ordained*, That any person who shall pay tax under this ordinance, shall be entitled to ask and receive from the Collector to whom he may have paid the same, a receipt stating the amount so paid, and the said receipt shall hereafter be received by any Sheriff or other Tax Collector, when presented to him, for all taxes now due the State or that may hereafter become due; *Provided*, That said receipt shall be transferable and receivable from any person who may hold the same; *Provided further*, That the Tax Collector under this ordinance, shall be paid in the currency of the United States, except as herein otherwise provided.

SEC. 22. *Be it further ordained*, That each Tax Collector shall, at the end of every five days (beginning ten days after the acceptance of his appointment), transmit to the Treasurer of this Convention the amount of moneys so collected, with a statement of the names of persons from whom collected, the amount each one has paid, and when the tax is all collected, said Collectors shall forward to said Treasurer a final statement of the money so collected, together with an affidavit that said statement contains a true and correct exhibit of all moneys collected by him under the provisions of this ordinance; *Provided*, That the moneys herein directed to be sent to the Treasurer, shall in all cases be forwarded through the nearest express office, and that each Collector shall be reimbursed for his actual expenses incurred in transmitting said funds to the Treasurer; *Provided further*, That when there is no express office in the county, then and in that case, the Collector shall only be required to make returns as herein provided, once in every ten, instead of five days; *Provided further*, That any person or persons who shall have paid any tax under the ordinance hereby repealed,shall be exempt from payment under this ordinance.

Sec. 23. *Be it further ordained*, That Collectors herein provided for, shall have power to administer an oath to any person or persons as to his or their valuation of stock on hand, and to examine all books and papers of merchants and others, in order to carry out the provisions of sections one and thirteen of this ordinance, and if any person shall refuse to take such oath, or if the Collector shall be dissatisfied as to the statement of value of stock on hand, he shall have power to assess and collect from every such person what he shall deem to be right and just.

Sec. 24. *Be it further ordained*, That the Treasurer heretofore elected by this Convention shall continue in office during its session and such further time as may be necessary to carry out the provisions of this ordinance. He shall receive the same compensation as members of this Convention; and it shall be his duty to provide all blank notices and receipts necessary to carry out the provisions of this ordinance, and forward the same to the several Collectors. He shall also file a bond with the President or the Convention, to be approved by him, in the sum of thirty thousand dollars for the faithful performance of his duties.

Sec. 25. *Be it further ordained*, That the office of the Treasurer shall be in the State House, in the city of Jackson, and shall be kept open from 9 o'clock A. M., until 4 o'clock P. M., each day (Sundays excepted).

Sec. 26. *Be it further ordained*, That the Treasurer shall receive and disburse all moneys collected under, and by virtue of this ordinance; *Provided*, That no disbursement shall be made, except on warrants signed by the President and countersigned by the Secretary. He shall, as often as may be deemed necessary by this Convention, furnish a detailed statement of all moneys received and disbursed by him in accordance with this ordinance, and all books and papers appertaining to his office, shall, at all times, be open to the inspection of the Finance, or other committee, specially appointed by the Convention for that purpose.

Sec. 27. *Be it further ordained*, That all moneys remaining in the treasury after paying the expenses of this Convention, shall be invested in United States securities at the market value, which securities shall be held subject to the order of the next Legislature at its first meeting; *Provided*, If this Convention shall be again called together, in that case the securities shall be held subject to the order of the Convention.

Sec. 28. *Be it further ordained*, That any Collector or Treasurer appointed by this Convention who shall embezzle or fraudulently use, loan, convert or attempt to convert any of the said funds herein authorized to be collected, to his own use, or apply them in any manner not herein provided for, shall be deemed guilty of embezzlement, and shall be prosecuted in any court in this State having competent jurisdiction, and upon conviction, shall be fined and imprisoned as now provided for by law in case of State and county officers.

SEC. 29. *Be it further ordained*, That a special tax of fifty per cent. on the State tax be, and the same is hereby levied in addition to the State tax now assessed upon the real and personal property in the State, for the year 1867, and that the amount shall be added to the taxes for said year.

SEC. 30. *Be it further ordained*, That it shall be the duty of the Sheriffs of the several counties to add to the assessment rolls for 1867, the per cent. herein authorized, and collect the same with said taxes according to the laws now in force in this State for the collection of taxes, and they shall receive the same compensation for said services as now provided by law.

SEC. 31. *Be it further ordained*, That the warrants issued by this Convention as well as the receipts of all Tax Collectors herein authorized, shall be received by the Sheriffs in payment of said tax, and also, all other taxes now due this State.

SEC. 32. *Be it further ordained*, That the Sheriffs of the several counties shall make separate returns to the State Auditor and Treasurer as now required by law of all taxes collected by them under this ordinance.

SEC. 33. *Be it further ordained*, That the State Treasurer shall receive from the Sheriffs of the several counties the amount of taxes collected by them under this ordinance, and shall pay the same out, only upon the warrants issued by this Convention, until the meeting of the first Legislature after the adoption of the Constitution to be framed by this Convention, and then only as said Legislature may direct.

SEC. 34. *Be it further ordained*, That no warrants shall be received by the Sheriffs of the several counties in payment of this tax, except those herein provided for.

SEC. 35. *Be it further ordained*, That it shall be the duty of the Auditor of this Convention, at the time of its adjournment, to furnish to the Treasurer of the State the number of warrants issued by this Convention, the number outstanding, to whom issued, and the amount of each.

SEC. 36. *Be it further ordained*, That the Collectors appointed under and by virtue of this ordinance, and the ordinance hereby repealed, shall, within ten days after entering upon their duties, execute to the Treasurer of this Convention, and to be approved by him, a bond with two or more sureties in the sum of two thousand dollars, conditioned for the faithful discharge of their duties and to render full, true, and correct returns of all moneys collected under and by virtue of this ordinance.

SEC. 37. *Be it further ordained*, That an ordinance providing for the levy and collection of a tax to defray the expenses of the Constitutional Conventional of the State of Mississippi, adopted Jan. 24, A. D. 1868, be and the same is hereby repealed.

Mr. Stiles moved to receive the report, and that it lie over under the rules;

Which was laid on the table.

Mr. McKee moved it be received, and that the rules be suspended so that the ordinance be read a second time.

Mr. Herbert moved the previous question, which was sustained, the rules were suspended, and the ordinance passed the second reading.

Mr. Castello moved to suspend the rules, and put the ordinance on its third reading by its title, and on that motion, moved the previous question.

Mr. Townsend called for the yeas and nays.

The Chair decided that after the previous question was ordered, and having been put to the Convention, the yeas and nays could not be called.

Mr. Townsend appealed from the decision of the Chair, and the Chair was sustained, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Cunningham, Dowd, Drane, Elliott John, Elliott James, Fitzhugh, Gibbs, Gray, Handy, Herbert, Holland, Howe, Hutto, Jacobs, Jamison, Johnson A., Jones, Lawson, Leas, Leonard, Mayson, Moore, Myers, Mygatt, McKee, McKnight, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Quinn, Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stringer, Toy, Vaughan, Warren, Weir, Woodmansee, Yeoman—58.

Nays—Messrs. Combash, Compton, Conley, Dalton, Gaither, Goss, Hauser, Hemmingway, Johnson S., Lack, Mask, Musgrove, Montgomery, Merryman, McCutchen, Neilson, Nelms, Orr, Phillips, Stovall, Stricklin, Stiles, Townsend, Walker, Watson—25.

And the motion to suspend the rules to proceed to a third reading was carried.

And the ordinance passed the third reading, by the following vote:

Yeas—Messrs. Alderson, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Cunningham, Drane, Elliott John, Elliott James, Fitzhugh, Gibbs, Handy, Herbert, Holland, Jacobs, Jamison, Johnson A., Lawson, Leas, Leonard, Mayson, Moore, Myers, Mygatt, McKee, McKnight, Parsons F., Peyton E. A., Quinn, Railsback, Rainey, Smith, Stewart, Stites, Stringer, Toy, Vaughan, Warren, Weir, Woodmansee, Yeoman—49.

Nays—Messrs. Alcorn, Compton, Conley, Dalton, Dowd, Gaither, Goss, Gray, Hauser, Hemmingway, Howe, Hutto, Johnson S., Jones, Lack, Mask, Musgrove, Montgomery, McCutchen, Neilson, Nelms, Newsom, Orr, Ozanne, Phillips, Richardson, Stovall, Stites, Townsend, Walker, Watson—31.

On motion of Mr. Parsons, the rules were suspended to present the following resolution:

*Resolved*, That the Secretary of this Convention be directed to forward an authenticated copy of the tax bill just passed by this convention, to Brevet Major General Gillem, commanding this District, and that Gen. Gillem be requested to issue an order forbidding the interference of any court of this State with the collection of said tax, and directing the payment of the same.

Mr. Orr moved to amend, as follows:

And that the manuscript copy of the report of the committee on Finance be referred to the General Commanding the Fourth Military District, through a committee of two, to be appointed by the President, in order to ascertain whether or not the same will be enforced by the General Commanding the District.

Mr. Orr moved the previous question;

And the resolution was adopted, as amended.

Leave of absence was granted the Secretary, until Monday; to Mr. Dowd, for 10 days; to Mr. Kerr, for 5 days; to Mr. Longmire, for 5 days.

Mr. McKee moved to adjourn;

Which was carried, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Beam, Castello, Chappell, Combash, Compton, Cunningham, Dalton, Dowd, Drane, Elliott John, Elliott James, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Hemmingway, Herbert, Howe, Hutto, Jacobs, Jamison, Johnson S., Jones, Lack, Lawson, Leonard, Mayson, Mask, Musgrove, Montgomery, Moore, Myers, Mygatt, McCutchen, McKee, McKnight, Neilson, Nelms, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Phillips, Quinn, Railsback, Rainey, Richardson, Smith, Stewart, Stiles, Stovall, Stricklin, Stringer, Stites, Toy, Vaughan, Walker, Watson, Woodmansee, and Yeoman—65.

NAYS—Messrs. Barry, Bonney, Bridges, Brinson, Caldwell, Chapman, Clarke, Fitzhugh, Holland, Johnson A., Weir—10.

The Convention adjourned until to-morrow morning at 10 o'clock.

T. P. SEARS,
*Secretary.*

## THIRTY-NINTH DAY.

JACKSON, MISS., Thursday, February 20th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chappell, Clarke, Combash, Conley, Dalton, Dowd, Elliott James, Elliott John, Fawn, Field, Fitzhugh, Gaither, Gibbs, Gray, Handy, Hauser, Hemmingway, Herbert, Holland, Howe, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Jones, Lack, Lawson, Leas, Leonard, Mayson, Mask, Musgrove, Montgomery, Merryman, Moore, McKnight, Myers, Mygatt, McKee, Neilson, Nesbitt, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton, Phillips, Quinn, Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Vaughan, Watson, Warren, Weir, Woodmansee, and Yeoman—77.

The following delegates were absent:

Messrs. Collins, Compton, Cunningham, Goss, Kerr, Longmire, Miles, Morgan, Orr, Peyton E. G., Powell, Stricklin, Townsend, Walker, and Williams—17.

Journal of yesterday read and approved.

Leave of absence was granted to Mr. Compton, for one day, and delegates who wished to attend a Convention now in session in this city.

A communication was received from the General Commanding the Fourth Military District, in reference to destitution in certain portions of the State, and by direction of the Convention, ordered to be spread upon the printed proceedings of the Convention; and reads as follows:

HEAD QUARTERS, 4TH MILITARY DISTRICT,
MISSISSIPPI AND ARKANSAS,
VICKSBURG, MISS., Feb. 15, 1868.

*Hon. B. B. Eggleston, President Mississippi Constitutional Convention, Jackson, Miss.:*

SIR—I am directed by the General Commanding to acknowledge the receipt of a copy of a report of the committeee of the Mississippi Constitutional Convention on Destitution, adopted by your Convention February 4, 1868, and also a copy of a resolution by your Convention, requesting Bvt. Major General Gillem to carry out the plan of relief recommended in said report, or "some other similar one," and in reply, to inform you that he is aware that, by the failure of the crops and the reduced price of cotton—the principal staple cultivated in some sections of this State—many landholders will be compelled to plant on a more limited scale this year than was done last, and that there is much destitution, and perhaps some suffering, among the laboring classes. But, after a careful investigation by competent and reliable officers and agents, the General Commanding is satisfied that the estimate of your committee, which places the number of those actually suffering at thirty thousand, is much too great.

The subject of destitution has received the most careful consideration of the Commanding General, not only in his capacity as District Commander, but also as Assistant Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands; and measures which, it is believed, will relieve all who are actually suffering, have been adopted. To this end the officers and agents of the Bureau of Refugees, Freedmen and Abandoned Lands have been instructed to procure labor for all such as are able and willing to earn a support. The aged and decrepit and orphan children will be cared for in hospitals and asylums.

It will be seen from the accompanying reports that the demand for labor exceeds the supply. While this is the case, it is not believed that any great degree of suffering can exist among the laboring classes. It will be seen from the accompanying order that transportation is furnished to laborers unable to procure employment to points where their services are in demand. It may not be out of place to remark here that at this time letters are constantly received requesting aid in hiring laborers; and five hundred laborers and their families could this day secure employment at the office of the Sub-Assistant Commissioner of the Bureau in this city.

The General commanding desires further to assure the Convention that he will take every precaution to prevent suffering, and that he believes with the means at his disposal, he will be able to accomplish this.

With these convictions the Commanding General deems it inexpedient to divert so large an amount of the revenue of this State as that derived from the poll-tax, to the subject specified in your resolution.

The attention of the Convention is called to the fact that there are no funds in the State Treasury, and that the State Prison and Lunatic Asylum, are now supported at the expense of the United States.

The Commanding General, therefore, declines to authorize the Sheriffs to dispose of the funds derived from the poll-tax, as recommended by the Convention.

I am, Sir, very respectfully,
Your obedient servant,
JOHN TYLER,
*1st Lt. 43d Infantry, Bvt. Maj. U. S. A., A. A. A. G.*

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ON BOARD STEAMER KATE KINNEY,
NEAR FRIAR'S POINT, MISS., January 13, 1868.

GENERAL—I write these few lines to inform you partially of the state of affairs at Greenville, as we found them.

The amount and generality of the destitute has been very much exaggerated, even in Washington county, and I have no doubt that is the poorest county in the State to-day, as far as their ability to provide for the destitute is concerned. There were from 12,000 to 13,000 freed people in that county during the past year, and it is estimated that not more than half can be employed during the coming season.

In the vicinity of Greenville, I found several families, numbering in all some sixty or seventy persons, houseless, and with only sufficient food to keep them for two or three days at the farthest. They had been recently turned out of the cabins they occupied last year, without means of any description. There are a great many similar cases throughout the county. They state that they have endeavored to get work, but without success. In view of these facts, and knowing it to be your intention to provide, in some manner, for the absolutely destitute, I authorized Mr. Preass, the agent, to make such purchases of corn and meat as may be necessary to prevent starvation, until he receives definite instructions from your office.

I would respectfully recommend that a detachment of twenty men be sent to Greenville (cavalry, if possible), in order to enforce the orders of the Bureau, and for the general enforcement of order. I recommend this on account of the uncertainty of the mails to that point, and the general uncertainty of communicating with headquarters in case of difficulty.

I do not anticipate any trouble, although some of the people fear it on account of the generally expressed determination on the part of the planters to eject all freedmen from their lands, except those they employ for the coming year.

* * * * * * * * *

I would state that I believe there is a combination on the part of a great many planters to hold off in respect to hiring laborers, expecting the Government to compel them to work, and thereby be enabled to get them for their food and clothing alone.

The order upon that subject is frequently quoted, and I believe many of them are endeavoring to create a false impression as to their resources and their ability to cultivate their places.

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Very respectfully,
Your obedient servant,
[Signed] N. R. Williams,
*Lieutenant, and A. I. G.*
A true copy: Merritt Barber,
*First Lieut. 34th Inf., A. A. A. G.*

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Bureau Refugees, Freedmen and Abandoned Lands,
Office Ass't Commissioner for State of Mississippi.
Vicksburg, Miss., January 25, 1868.

*Circular No.* 1.]

An impression seems to prevail among many persons in this State, that the Government intends to advance supplies or money to planters to aid them in cultivating their lands this year. Such impression is erroneous. The Government will issue supplies only to such as are in actual want, and only in such quantities as may be necessary to prevent absolute suffering, and all those who apply for assistance will be considered as placing themselves at the disposal of the Assistant Commissioner, to be sent to such places as employment can be procured for them.

All freedmen who are laboring under the delusion that lands will be furnished them by confiscation or otherwise, are warned that this is a mistaken idea. The only way in which they can obtain land is by purchase, like other people, or by locating upon the public domain. Officers and agents of the Bureau are directed to use every means in their power to procure situations for laborers on the best terms, and at points as convenient to their stations as possible. Those desiring laborers, and laborers desiring situations, are requested to communicate with this office, or with the nearest officer or agent of the Bureau, with a view to procuring employment.

In connection with this subject, the Assistant Commissioner for the State of Mississippi, feels it incumbent upon him to again urge those engaged in agricultural pursuits to devote more land and labor to the production of corn and wheat. Had his suggestions on this subject been heeded last year, instead of threatened famine, there would have been a large amount of breadstuffs for export.

The present destitution should serve as a warning. Let every planter determine to plant a large area in corn; be assured where corn is abundant, meat will not be be scarce.

By order of Brevet Major General:

ALVIN C. GILLEM,
*Assisistant Gommissisner.*
MERRITT BARBER,
*Lieut.* 34*th U. S. I., A. A. A. G.*

VICKSBURG, MISS., January 18, 1868.

*Lieut. M. Barber, A. A. A. G., Bureau Refugees, Freedmen and Abandoned Lands, State of Mississippi:*

LIEUTENANT—I have the honor to report the condition of affairs in the counties bordering on the the Yazoo river, as far as came under my observation, on a tour of investigation in that section, during the past week.

The freedmen are in a destitute condition, mainly because they will not hire out to farmers and planters—a great number of the latter requiring their services. The reasons assigned for this are that the wages offered are too low, being about one-third of the compensation given last year. Also, they (the freedmen), insist that upon the adjournment of the Convention, at Jackson, the lands in this State will be divided out amongst them, and that they can live until then.

My belief is that if the freedmen will work, they can find employment, food, and clothing, for the present year.

I saw no destitution among the planters or people generally, and believe that the many reports of such existing, are greatly exaggerated.

I am, Sir, very respectfully,
Your obediet servant,
[Signed] J. W. SCULLY,
*Brvt. Col. and A. Q. M., Inspector General.*

A true copy: MERRITT BARBER,
1*st Lieut.* 34*th Inf., A. A. A. G.*

VICKSBURG, MISS., February 12th, 1868.

*To the Assistant Commissioner Bureau R. F. and A. L., State of Mississippi:*

SIR—In compliance with your orders of the 3d instant, I proceeded to Grenada, Miss., and investigated the condition of affairs in that sub-district. As a general thing, the freedmen have entered into contracts for the present season, although I found more idlers and dissatisfaction among the laborers there than at any other point on my route. This is not due, however, to any lack of employment, for I was informed of several persons from Tennessee and points in Mississippi, having visited Grenada for the purpose of procuring laborers, and offering excellent terms, without being able to secure a single hand.

The sub-Assistant Commissioner in charge, reports some destitution among the old and infirm, and among some women and children, who have been deserted by their husbands and fathers. There is a considerable number of the latter class reported in the vicinity of Grenada. The duties of the office have confined the officer in charge so closely to his office that but little attention is given to the matter of establishing schools in the sub-district. He reports that by proper encouragement, a number of schools might be established at various points, and good results obtained.

From Grenada I proceeded to the sub-district of Panola, and found matters in that and the late sub-district of Hernando, in a very satisfactory condition indeed. That section of the State being exceedingly fertile, a good crop has been realized, and laborers have very satisfactory returns for the past year's labor.

The vigorous action of the agent in charge, during his short term of service at Panola, has procured a settlement of nearly every case in controversy, and I was pleased to find that he has gained the confidence and respect of whites and blacks equally; a very marked difference from the feeling entertained towards his predecessor, who was universally disliked by the one, and suspected, by the other is preceptible.

The laborers have all entered into contracts for the presnt year, and the agent in charge has applications for a large number of hands, whom it is impracticable for him to furnish. There is no destitution or necessity for aid to be furnished to any, except perhaps, to a few orphan children, whom I directed the agent to visit, and make report and recommendation of such action as the circumstances of their condition might warrant.

One very flourishing school is in operation, and Mr. Lathrop is making arrangements to open another in Sardis, and is negotiating the sale to trustees of a church at Panola, for school purposes.

From Panola I proceeded to Holly Springs, delaying at Memphis for a day and a half, being misinformed as to the connection of the trains.

At Holly Springs, as at Panola, I found everything in a very satisfactory condition. The laborers are settled with for their past year's labor; they have made good crops, and having conversed with freedmen at every station through the sub-district, I could not hear of an instance of destitution. All have contracts for the coming season, and the sub-Assistant Commissioner has applications for several laborers that he cannot furnish. Two schools have been established recently, and several more are in contemplation.

I would respectfully call the attention of the Assistant Commissioner to the universal dissatisfaction at the delay in paying the expenses of schools in this District. I took occasion to urge upon all with whom I conversed, the importance of zealously encouraging educational interests; but it was objected that the assistance offered by the Bureau was so dilatory, and the method of obtaining it so imperfectly understood, that if a more simple and healthy system could be devised, a very marked improvement in this particular might be obtained.

With reference to the school of Mrs. Gill which I was directed to visit, as it was not in session when I was at Holly Springs, it was not practicable to comply with the instructions. From conversation with those informed, I learned that it is in a very flourishing condition, although the average attendance for the past month, owing to the cold weather, decreased to ninety from one hundred and twenty the month previous. The school building recently erected by Mrs. Gill, and for which aid is asked from the Bureau, is erected in the yard of Mrs. Gill's residence, and cost $515. Three hundred dollars of this money was contributed by parties at the North, one hundred of which was lost by Mrs. Gill, leaving the sum of $315, which the Bureau is requested to pay.

The land on which the building is located is not deeded to trustees, and Mrs. Gill informed me that she would not have it so deeded. Its location is very near the lots confiscated as property of the late rebel government, and I asked if she would permit the building to be moved on to one of those lots upon repayment to her of the private funds advaced by her, to which she replied in the negative. The lots in possession of the Bureau are as convenient and as well adapted to school purposes as the one upon which this house is erected, and I think a better house than this can be erected thereon for one-half what Mrs. Gill says this one cost.

Major Power informed me that he has reason to believe, and does believe that the returns of the teachers of this school, of the amounts received from the pupils, are not correct, and that very much larger amounts are received than are reported.

I have the honor to be, Sir,
Very respectfully,
Your obed't serv't,

[Signed] MERRITT BARBER,
*First Lieut.* 34*th U. S. Inf.*

A true copy: MERRITT BARBER,
*First Lieut.* 34*th U. S. Inf.*

The President appointed Willis Rank and Geo. Sanderson as Pages in place of the two discharged yesterday.

The Sergeant-at-Arms presented the following as an explanation, and asked that the same be spread upon the Journal:

*To the President and Gentlemen of the Convention:*

I beg leave to make the following personal explanation: In recommending the discharge of the Pages, Erasmus Davidson and Wm. Salmon, on yesterday, I only did what I have been frequently asked to do by members and officers of the Convention on both sides of the house, and I take this opportunity to beg the pardon of those members and officers for not complying with their request sooner. My excuse for not doing so is, that I hoped the boys would heed my frequent warnings and would reform. The reason why myself and others thought they merited discharge was a long continued dereliction of duty on their part, a frequent use of profane and vulgar language on the floor of this hall, and smoking, contrary to the rules of the Convention during the sitting of the same. The two latter charges only apply to William.

I would further state that in handing their names to the President, I did it in obedience to his request, made publicly in open Convention the day previous, and I only wrote, very informally, that I thought they merited discharge; that the President might see why I had handed him the names, and also understand that I agreed with him on the point of merit.

I beg leave further to state that it never occurred to me to charge any man with that depth of degradation which would permit him to persecute *children* for their political sentiments, but am forced to the conclusion, by the readiness with which certain gentlemen make such charges against me, that they themselves have fallen so low, and have "measured my corn in their half bushel."

Very respectfully,
Nelson G. Gill,
*Sergeant-at-Arms.*

The communication was received, and the request that it be spread upon the Journal granted.

Mr. Holland presented a petition in reference to the formation of a new county, to be formed out of Choctaw and Carroll counties;

Which was referred to the committee on County Boundaries.

Mr. Clarke moved that the rules be suspended to take up the Bill of Rights;

Which was carried.

Section 13:

Mr. Alderson moved to amend as follows:

No qualification, except that of a good moral character, shall ever be required of a juror; *Provided*, That when the parties litigating are both white or both colored, they may demand a jury of their own color. Where they are one white and one colored, either shall have the right to select the jurors of his or her own color;

Which was laid on the table.

Mr. Beam moved to amend as follows:

No qualification shall be required to become a juror, except that hereafter prescribed by law.

Mr. Castello moved to amend as follows:

Every male citizen of this State, of the age of twenty-one years, who shall, at the time he is summoned, be a resident of the county in which he is summoned to serve, and not disfranchised by rebellion or other offense against the laws, shall be a competent juror.

Mr. Gibbs moved to lay the amendment, and the amendment to the amendment, on the table;

Which was lost, by the following vote:

YEAS—Messrs. Barry, Bridges, Brinson, Caldwell, Chappell, Field, Gaither, Gibbs, Gray, Hauser, Herbert, Holland, Howe, Jacobs, Jamison, Lawson, Leas, Mask, Montgomery, Moore, Myers, Mygatt, Ozanne, Peyton, Railsback, Rainey, Richardson, Smith, Stovall, Vaughan, Weir, Woodmansee—32.

NAYS—Messrs. Alderson, Alcorn, Beam, Bonney, Castello, Clarke, Combash, Conley, Dalton, Dowd, Drane, Elliot John, Elliott James, Fitzhugh, Handy, Hemmingway, Hutto, Johnson S., Johnson A., Jones, Lack, Mayson, Musgrove, McKnight, Neilson, Newsom, Parsons J. R., Phillips, Stewart, Stites, Stringer, Stiles, Toy, Yeoman—34.

A motion was made to adopt the amendment to the amendment;

Which was lost, by the following vote:

YEAS—Messrs. Alderson, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Clarke, Drane, Fitzhugh, Handy, Johnson A., Leas, Mayson, Myers, Mygatt, McKnight, Newsom, Stringer, Toy, Yeoman—22.

NAYS—Messrs. Alcorn, Ballard, Beam, Chappell, Combash, Conley, Dalton, Dowd, Elliott John, Elliott Jas., Field, Gaither, Gibbs, Gray, Hauser, Hemmingway, Herbert, Holland, Howe, Hutto, Jacobs, Jamison, Johnson S., Jones, Lack, Lawson, Mask, Musgrove, Montgomery, Neilson, Ozanne, Parsons J. R., Peyton E. A., Phillips, Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stovall, Stiles, Vaughan, Warren, Weir, Woodmansee—45.

The question then recurring on the adoption of the amendment offered by Mr. Beam, it was lost, by the following vote:

YEAS—Messrs. Alderson, Beam, Chappell, Conley, Dalton, Dowd, Elliott John, Elliott James, Gaither, Hauser, Hemmingway, Howe, Hutto, Jamison, Johnson S., Jones, Lack, Mayson, Mask, Musgrove, Montgomery, Neilson, Ozanne, Parsons J. R., Peyton E. A., Phillips, Rainey, Smith, Stovall, Stiles, and Vaughan—31.

NAYS—Messrs. Ballard, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Clarke, Combash, Field, Fitzhugh, Gibbs, Herbert, Holland, Jacobs, Johnson A., Lawson, Leas, Moore, Myers, Mygatt, McKnight, Newsom, Railsback, Richardson, Stewart, Stites, Stringer, Toy, Warren, Wier, Woodmansee, and Yeoman—33.

Mr. Neilson moved to amend as follows:

Strike out all after "13," and insert, "No person shall be a juror unless he be a citizen of the State, twenty-one years of age, and a freeholder or householder, and a resident in the county in which he is summoned:"

Which was laid on the table.

The previous question was called, call sustained, and the 13th section was adopted, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Chappell, Clarke, Combash, Drane, Fawn, Field, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Holland, Jacobs, Jamison, Johnson A., Jones, Lawson, Leas, Mayson, Moore, Myers, Mygatt, McKnight, Newsom, Ozanne, Parsons J. R., Parsons F., Peyton E. A., Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stringer, Toy, Warren, Weir, Woodmansee, and Yeoman—48.

Nays—Messrs. Ballard, Beam, Conley, Dalton, Dowd, Elliott John, Elliott James, Gaither, Hemmingway, Howe, Hutto, Johnson S., Lack, Mask, Musgrove, Montgomery, Neilson, Phillips, Stovall, Stiles, and Vaughan—21.

Section 14:

Mr. Alderson moved to amend as follows:

After the word "affirmation," in the seventh line, amend by erasing to the end, and inserting "specially designating the place to be searched, and the person or thing to be seized;"

Which was adopted;

And section 14 was adopted as amended.

Section 15:

Mr. Chappell moved to strike out "every," in the first line, and insert "all," and strike out the word "common" in the third line.

Mr. Parsons, of Adams, moved to amend by striking out all after "section 15," and insert "every citizen has a right to bear arms in defense of himself and the State;"

Which was laid on the table.

And the amendment of Mr. Chappell was adopted.

Section 15 was adopted as amended.

Section 16:

Mr. Parsons, of Adams, moved to amend as follows:

Strike out "State," in second line, and "county," in the third line, and insert "all," instead;

Which was laid on the table.

Mr. Stiles moved to strike out "State and county" in the second and third lines.

Mr. Hauser moved to indefinitely postpone the consideration of section 16; which was carried.

Mr. Castello moved a suspension of the rules, to introduce a resolution; which was carried.

Mr. Castello then offered the following:

*Resolved*, That the Auditor of this Convention be and he is hereby authorized to issue a certificate to the Convention Printer for services rendered, to the amount of one thousand dollars.

Which was adopted.

The Convention then resumed the consideration of the Bill of Rights.

Section 17:

Mr. Barry moved to amend as follows:

*Provided*, That nothing herein contained shall be so construed as to protect said property from being applied to the payments of their lawful debts;

Which was adopted.

Mr. Chappell moved to strike out the word "since," in the fifth line of section 17, and insert the word "after;"

Which was carried.

Mr. Gaither moved to amend section 17 by inserting after the word "derived," in the fifth line, the words "or otherwise acquired;"

Which motion was laid on the table.

Mr. F. Parsons moved to amend section 17 as follows:

In the third line strike out the word "for," and insert the words "in all;"

Which motion was laid on the table.

Mr. Alderson moved to amend the section as follows:

After the word "seventeen," insert the words "no civil rights shall ever be impaired by marriage:"

Which motion was laid on the table.

Mr. Clarke moved to adjourn until half-past 3 o'clock;

Which was carried.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

Quorum present.

Section 17:

Mr. Parsons moved to strike out the word "for," in the third line, and insert the word "in;"

Which motion was carried.

And section 17 was adopted as amended.

Section 18:

Mr. Stiles moved to amend, by adding:

*Provided*, That no one shall be eligible to the Senate unless he shall possess a freehold estate of the assessed value of $500;

Which motion was laid on the table, by the following vote:

Yeas—Messrs. Alderson, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chappell, Clarke, Fitzhugh, Gibbs, Handy, Herbert, Hauser, Jacobs, Johnson A., Lawson, Leas, Mayson, Moore, Myers, Mygatt, McKnight, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton, Quinn, Railsback, Stewart, Stites, Stringer, Toy, Warren, Weir—37.

Nays—Messrs. Alcorn, Ballard, Combash, Conley, Dalton, Dowd, Field, Gaither, Hutto, Johnson S., Lack, Mask, Musgrove, Montgomery, Merryman, McCutchen, Phillips, Rainey, Richardson, Smith, Stovall, Stiles, Townsend, Walker, and Watson—25.

Mr. F. Parsons moved to amend section 18 as follows:

Insert after the word "qualification," in the secend line, the words "for eligibility to office shall ever be required;"

Which was carried.

Mr. Neilson moved to amend the section as follows:

Insert after the word "property," in the first line, the words "but an educational."

Mr. Castello moved to table;

Which was lost.

Mr. Barry offered as a substitute for the amendment to the amendment, which was accepted by Mr. Neilson, the following:

*Provided*, That any person elected or appointed to any office, shall have the educational qualifications necessary to discharge the duties of said office.

Mr. Weir moved to table all amendments;

Which was lost.

Mr. Parsons, of Adams, moved to indefinitely postpone the consideration of all amendments;

Which was lost.

Mr. Castello moved to adjourn;

Which was lost.

Mr. Vaughan moved to amend section 18, as follows:

After the word "State," in the fourth line, add the words "but he or they must be able to read, write and cypher through the double rule of three;"

Which was laid on the table.

Mr. Clarke moved to adjourn;

Which was lost.

Mr. Howe moved the previous question;

Which was lost.

The Convention adjourned to meet at 10 o'clock to-morrow.

T. P. Sears,
*Secretary.*

## FORTIETH DAY.

Jackson, Miss., Friday, February 21st, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Conley, Cunningham, Dalton, Drane, Elliott John, Elliott James, Fawn, Field, Fitzhugh, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Hemmingway, Herbert, Holland, Howe, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Jones, Lack, Lawson, Leas, Leonard, Mayson, Mask, Musgrove, Montgomery, Merryman, Moore, Myers, Mygatt, McCutchen, McKnight, Neilson, Nelms, Nesbitt, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Phillips, Quinn, Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Townsend, Toy, Vaughan, Walker, Watson, Warren, Weir, Woodmansee, and Yeoman—82.

The following delegates were absent:

Messrs. Collins, Compton, Dowd, Kerr, Longmire, Miles, Morgan, McKee, Peyton E. G., Powell, Stricklin and Williams—12.

Journal of yesterday read, and after certain corrections ordered to be made, was adopted.

Mr. Clarke moved to suspend the rules for the purpose of taking up the Bill of Rights;

Which was lost, by the following vote:

Yeas—Messrs. Alderson, Ballard, Gray, Hauser, Hutto, Jamison, Mask, Musgrove, Peyton E. A., Richardson, Smith, and Weir—12.

Nays—Messrs. Alcorn, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Conley, Cunningham, Dalton, Drane, Elliott John, Elliott James, Field, Fitzhugh; Gaither, Gibbs, Goss, Handy, Hemmingway, Herbert, Holland, Howe, Jacobs, Johnson S., Johnson A., Jones, Lack, Lawson, Leas, Leonard, Mayson, Montgomery, Merryman, Moore, Myers, Mygatt, McCutchen, McKnight, Neilson, Nelms, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Phillips, Railsback, Rainey, Stewart, Stites, Stovall, Stringer, Stiles, Townsend, Toy, Vaughan, Walker, Watson, Warren, Woodmansee, and Yeoman—66.

Standing committees reported as follows:

The committee on General Provisions reported progress.

The committee on Finance reported progress.

The committee on Printing, through Mr. Ozanne, presented the following report:

*To the Honorable President and Members of the Constitutional Convention of Mississippi:*

Gentlemen—We, the undersigned, members of the Printing Committee, beg leave to present our resignation, for the following reasons, viz:

We have been almost entirely ignored by our chairman, having never been called together by him but once upon the duties of said committee. We therefore beg leave to withdraw from said committee, so that we shall not be held responsible by the Convention for duties we have never refused, but had no opportunity to perform.

Respectfully yours, etc.,

U. Ozanne,
N. J. Chappell,
J. A. Moore,
Thos. W. Jones,
D. N. Quinn,
*Committee.*

Report received and resignation accepted.

Mr. Clarke moved to suspend the rules to take up the Bill of Rights;

Which was carried.

Section 18:

Mr. Neilson moved the previous question, which was the amendment of Mr. Barry offered yesterday and accepted by Mr. Neilson;

Which was sustained, by the following vote:

Yeas—Messrs. Alcorn, Ballard, Barry, Beam, Bridges, Brinson, Chapman, Chappell, Clarke, Combash, Conley, Cunningham, Dalton, Drane, Elliott John, Elliott James, Fawn, Field, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Hemmingway, Herbert, Howe, Hutto, Jamison, Johnson S., Jones, Lack, Lawson, Leas, Mask, Musgrove, Montgomery, Merryman, Myers, Mygatt, McCutchen, Neilson, Nelms, Nesbitt, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Phillips, Quinn, Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Townsend, Toy, Vaughan, Walker, Watson, Warren, Weir, and Woodmansee—68.

Nays—Messrs. Alderson, Bonney, Caldwell, Castello, Fitzhugh, Holland, Jacobs, Johnson A., Mayson, Moore, McKnight, Peyton E. A., Yeoman—13.

The question then recurring on the adoption of the 18th section, as amended, it was adopted, by the following vote:

Yeas—Messrs. Alcorn, Ballard, Barry, Beam, Bridges, Brinson, Castello, Chapman, Chappell, Clarke, Combash, Conley, Cunningham, Dalton, Drane, Elliott John, Elliott James, Fawn, Field, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Hemmingway, Herbert, Howe, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Jones, Lack, Lawson, Leas, Mask, Musgrove, Montgomery, Merryman, Moore, Myers, Mygatt, McCutchen, McKnight, Nelms, Nesbitt, Newsom, Orr, Ozanne, Parsons J. R., Phillips, Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stovall, Stringer, Toy, Vaughan, Walker, Watson, Warren, Weir, Woodmansee—68.

Nays—Messrs. Alderson, Bonney, Caldwell, Fitzhugh, Holland, Mayson, Peyton E. A., Stiles, Townsend, Yeoman—10.

Section 19:

Mr. Alderson moved to amend as follows: Strike out all after the word "elector," in the third line.

Mr. Weir moved to lay the amendment on the table;

Which was lost.

Mr. Gibbs moved the adoption of the amendment offered by Mr. Alderson;

Which was carried.

Mr. Clarke moved the previous question on section 19, as amended;

Which was not sustained.

Mr. Gibbs held that the previous question not being sustained, the subject must be discontinued for the day.

The Chair decided the subject still before the house.

Mr. Gibbs appealed from the decision of the Chair.

The Chair was not sustained, and the subject was postponed for the day.

Section 20 was indefinitely postponed.

Section 21:

Mr. Weir moved to amend as follows:

"Except in cases wherein the parents, guardians, or other persons having such children in charge, are unable or obstinately refuse to provide for their comfort and well being."

Mr. Hauser moved to lay on the table;

Which was lost.

Mr. Alderson moved to amend as follows:

After the word "servitude," in the second line, insert "except as punishment for crime, no system of peonage shall ever be tolerated." The balance to be stricken out.

Mr. Morgan moved to adjourn;

Which was lost.

Mr. Parsons, of Adams, moved that the report of the committee appointed to wait on General Gillem in regard to the tax ordinance be received;

Which was carried.

Mr. Orr, of the committee, then made a verbal report.

Mr. Vaughan offered the following:

Whereas, There has been more time consumed by this Convention in framing a Constitution than was anticipated at its organization, and that a large portion of the members are directly interested in the farming and planting interests of the State, upon which all classes are interested and dependent, and a few days attention just at this season of the year will be of great benefit, and is actually required; therefore, be it

*Resolved*, That the Convention proceed immediately to perfect the Finance Bill, so as to meet the approval of the General Commanding, and then adjourn until Tuesday, the 19th day of March, 1868; the per diem of each member to stop from the day of adjournment until the Convention again convenes.

Pending the consideration of the above, the Convention adjourned, to meet at 10 o'clock to-morrow.

## FORTY-FIRST DAY.

JACKSON, MISS., Saturday, February 22d, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash Conley, Cunningham, Dalton, Drane, Elliott James, Elliott John, Fawn, Field, Fitzhugh, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Hemmingway, Herbert, Holland, Howe, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Jones, Lawson, Leonard, Mayson, Mask, Musgrove, Montgomery, Merryman, Moore, Morgan, Myers, Mygatt, McCutchen, McKnight, Neilson, Nelms, Nesbitt, Newsom, Orr, Ozanne, Parsons F. Parsons J. R., Peyton E. A., Peyton E. G., Phillips, Quinn, Railsback, Rainey, Richardson, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Townsend, Toy, Vaughan, Walker, Watson, Warren, Weir, Woodmansee, Yeoman—83.

The following delegates were absent:

Messrs. Compton, Dowd, Kerr, Lack, Leas, Longmire, Miles, Powell, Stricklin, Williams—10.

The reading of the Journals was dispensed with.

The President called to the Chair, Mr. Orr, of Harrison.

Leaves of absence were granted the following delegates for the period affixed to their names:

Mr. Lack, two days; Mr. Morgan, two days; Mr. Powell, ten days.

Mr. Chappell moved to suspend the rules, in order to permit Mr. Barry to offer a resolution;

Which was carried.

Mr. Barry moved a reconsideration of the vote of yesterday, in which the chair was not sustained in a point of order which was raised by Mr. Gibbs.

The previous question was called.

Mr. Barry proposed to withdraw his resolution;

Which was objected to.

Objection sustained by the Chair.

Decision appealed from, and the Chair was not sustained.

Mr. Neilson moved to adjourn until Monday morning at 10 o'clock;

Which was lost.

Mr. Gibbs moved that the rules be suspended to enable him to offer a resolution;

Which was carried, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Conley, Cunningham, Drane, Elliott James, Fawn, Field, Fitzhugh, Gaither, Gibbs, Handy, Hauser, Hemmingway, Her-b rt, Howe, Jacobs, Jamison, Johnson A., Jones, Lawson, Leas, Leonard, Mayson, Mask, Moore, Morgan, Myers, Mygatt, McKnight, Newsom, Ozanne, Parsons F., Parsons, J. R., Peyton E. A., Peyton E. G., Quinn, Railsback, Rainey, Smith, Stewart, Stites, Stovall, Stringer, Toy, Vaughan, Warren, Weir, Yeoman—60.

NAYS.—Messrs. Ballard, Dalton, Elliott John, Goss, Gray, Hutto, Johnson, Musgrove, Montgomery, Merryman, McCutchen, Neilson, Nelms, Nesbitt, Phillips, Richardson, Stricklin, Townsend, Watson—19.

Mr. Gibbs offered the following:

*Resolved*, That this Convention appoint a committee of three to proceed forthwith to the city of Washington and confer with the General of the armies, the Secretary of War, and other heads of departments there, and represent to them the true state of affairs as now existing in the State of Mississippi.

*Resolved*, *further*, That the committee have full power and authority to request from the Government of the United States a loan of $100,000 for the use of this Convention, the same to be refunded from the proceeds of taxes authorized to be levied and collected to defray the expenses of the Convention, and to pledge the full faith and credit of the State of Mississippi for the payment of the same.

Mr. Neilson moved to lay on the table;

Which was lost.

Mr. Hemmingway moved to strike out "three" and insert "fifteen;"

Which was laid on the table.

Mr. Clarke moved to lay over until Monday at 12 o'clock, the resolutions of Mr. Gibbs.

Mr. Gibbs moved to table the motion of Mr. Clarke;

Which was carried.

Mr. Neilson moved to amend the resolutions of Mr. Gibbs, as follows:

Amend by adding after the last words, "and the President in appointing said committee, shall appoint one from each of the three parties in the Convention, to-wit: one from the "Radical," one from the "Conservative," and one from the "Conservative Radical," or middle party;

Which was laid on the table.

Previous question called, call sustained.

Mr. Townsend moved a call of the Convention;

Call sustained, and quorum present.

Mr. Neilson moved to adjourn;

Which was lost, by the following vote:

YEAS—Messrs. Chapman, Conley, Dalton, Elliott James, Field, Gaither, Hutto, Jamison, Johnson S., Jones, Mask, Musgrove, Montgomery, Merryman, McCutchen, Neilson, Nelms, Nesbitt, Orr, Phillips, Rainey, Richardson, Stovall, Stricklin, Stiles, Townsend, Walker, and Watson—28.

NAYS—Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chappell, Clarke, Combash, Cunningham, Drane, Elliott John, Fawn, Fitzhugh, Gibbs, Goss, Gray, Handy, Hauser, Hemmingway, Herbert, Howe, Jacobs, Johnson A., Lawson, Leas, Leonard, Mayson, Moore, Morgan, Myers, Mygatt, McKnight, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Quinn, Railsback, Smith, Stewart, Stites, Stringer, Toy, Vaughan, Warren, Weir, Woodmansee, and Yeoman—55.

The question recurring on the resolution of Mr. Gibbs, it was adopted, by the following vote:

YEAS—Messrs. Alderson, Barry, Bonney, Brinson, Caldwell, Castello, Chappell, Combash, Drane, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Jacobs, Johnson A., Jones, Lawson, Leas, Leonard, Mayson, Moore, Morgan, Myers, Mygatt, McKnight, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Quinn, Railsback, Smith, Stewart, Stites, Stringer, Toy, Weir, Woodmansee, and Yeoman—43.

NAYS—Messrs. Alcorn, Ballard, Beam, Bridges, Chapman, Clarke, Conley, Dalton, Elliott John, Elliott James, Fawn, Field, Gaither, Goss, Gray, Hemmingway, Howe, Hutto, Jamison, Johnson S., Mask, Musgrove, Montgomery, Merryman, McCutchen, Neilson, Nelms, Nesbitt, Phillips, Rainey, Richardson, Stovall, Stricklin, Stiles, Townsend, Vaughan, Walker, Watson, and Warren—39.

The President appointed as Page (in place of Willie Rank, declined), Wm. Howard.

Mr. Peyton, of Copiah, moved to adjourn until 3 o'oclock P. M.;

Which was lost.

Convention adjourned until Monday morning, at 10 o'clock.

T. P. SEARS,
*Secretary.*

## FORTY-SECOND DAY.

JACKSON, MISS., Monday, February 24th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Conley, Cunningham, Dalton, Drane, Elliott John, Elliott James, Fawn, Field, Fitzhugh, Gaither, Goss, Handy, Hauser, Hemmingway, Holland, Howe, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Jones, Lawson, Leas, Leonard, Mayson, Mask, Musgrove, Montgomery, Moore, Morgan, Myers, McCutchen, McKee, McKnight, Neilson, Nelms, Nesbitt, Newsom, Orr, Ozanne, Parsons of

Adams, Parsons of Hinds, Peyton E. A., Peyton E. G., Phillips, Quinn, Railsback, Rainey Richardson, Smith, Stewart, Stites, Stovall, Stricklin, Stiles, Toy, Vaughan, Walker, Watson, Warren, Weir, Woodmansee, Yeoman—78.

The following delegates were absent:

Messrs. Collins, Compton, Dowd, Gray, Herbert, Kerr, Lack, Longmire, Miles, Merryman, Mygatt, Powell, Townsend, Williams—14.

Journal of Saturday was read and approved.

Leaves of absence were granted to the following named gentlemen for the period affixed to their names:

To the Auditor six days; to Mr. S. Johnson, ten days; to Mr. Stringer, one day; to Mr. Hemmingway, eight days; to Mr. Richardson, five days; to Mr. McCutchen, ten days; to Mr. Townsend, five days.

The rules were suspended to hear the following communication:

*To the Honorable President and Members of the Constitutional Convention of the State of Mississippi:*

The Door-keeper of your honorable body, would respectfully represent that on last night, about 11 o'clock, while he was asleep in the hall, Mr. Merryman, together with a body of soldiers and citizens, came to the door of the hall, and the Door-keeper thinking they were delegates or employees of the Convention, admitted them. Mr. Merryman then seized the Door-keeper and called to the crowd outside that he had him, "come on." The Door-keeper made his escape, when the crowd attacked Mr. Lawson, raised the gas and attempted to take his watch; opened the drawers of members and took away the contents, put out the lights to go for "Norris."

C. F. NORRIS,
*Door-Keeper.*

Mr. Barry moved that a committee of five be appointed to examine into and report upon the above statement.

Mr. McKee moved the previous question;

Which was sustained.

And the motion of Mr. Barry was adopted.

Standing Committees reported as follows:

Committee on General Provisions reported progress

Committee on Internal Improvement, submitted the following report:

*To the President and Members of the Convention:*

We, the undersigned, having been appointed by the President of this Convention, would respectfully submit the following report:

J. HAUSER,
*Chairman.*
CHAS. W. BEAM,
ISHAM S. RAINEY,
JAMES ELLIOTT,
AMOS DRANE,
WM. NELMS.
*Committee.*

Article 1. There shall be a Board elected to constitute a Board of Public Works.

Art. 2. Said Board to consist of one member from each Congressional District of the State.

Art. 3. Each member shall be a resident of the District he represents, and shall hold office in said Board for the term of four years from date of installation.

Art. 4. The Legislature at its first session after the adoption of this Constitution, shall provide for the organization of said Board, prescribe its duties, and fix the compensation of its members and all officers employed upon public works in this State.

Art. 5. All members and officers that may be employed upon public works in this State, shall be required to give bond for the faithful performance of the duties pertaining to their office, to be prescribed by law.

Report received, and one hundred copies ordered printed.

The President announced the following committee on the communication of the Doorkeeper:

Mr. Barry, of Holmes;
Mr. McKee, of Warren;
Mr. Neilson, of Amite;
Mr. Gaither, of Lee;
Mr. Moore, of Lauderdale.

Mr. Castello moved to suspend the rules to take up the Bill of Rights;

Which was carried.

Section 21:

Mr. Alderson moved to amend as follows:

After the word "servitude," in second line, insert the words, "except as punishment for crime shall ever be tolerated;"

Which was carried.

Mr. Orr, moved to amend as follows:

Insert after the word "servitude," the words "no system of apprenticeship;"

Which was carried.

Mr. Alderson moved to reconsider the vote on the adoption of the amendment of Mr. Orr;

Which was carried.

Mr. Cunningham moved to lay the amendment of Mr. Orr on the table;

Which was carried, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Ballard, Bridges, Brinson, Chapman, Chappell, Clarke, Combash, Conley, Cunningham, Dalton, Elliott John, Field, Gaither, Goss, Gray, Hemmingway, Howe, Hutto, Jamison, Johnson S., Jones, Leas, Mask, Musgrove, Montgomery, McKee, McKnight, Neilson, Nelms, Nesbitt, Ozanne, Parsons J. R., Peyton E. A., Peyton E. G., Phillips, Railsback, Rainey, Richardson, Smith, Stovall, Stricklin, Stiles, Toy, Vaughan, Walker, Watson, Warren, Woodmansee, and Yeoman—51.

Nays—Messrs. Barry, Bonney, Caldwell, Castello, Drane, Fitzhugh, Handy, Jacobs, Leonard, Mayson, Moore, Newsom, Orr, Stewart, Stites, and Weir—16.

Mr. Alderson moved to amend as follows:

No slavery or involuntary servitude except as punishment for crime, whereof the party shall be duly convicted, shall ever be tolerated in this State.

Mr. Orr moved to amend as follows:

And no system of apprenticeship of children, except with the consent of their parents, or guardians of the same, shall ever be enacted.

Mr. McKee moved to lay the amendment of Mr. Orr on the table, and the President decided it in order.

Mr. Cunningham appealed from the decision of the Chair, and the Chair was sustained, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Ballard, Bridges, Brinson, Castello, Chapman, Chappell, Clarke, Combash, Conley, Cunningham, Dalton, Elliott James, Fawn, Field, Gaither, Goss, Gray, Hauser, Hemmingway, Howe, Hutto, Jacobs, Johnson S., Johnson A., Jones, Lawson, Leas, Mask, Musgrove, Montgomery, McKee, McKnight, Neilson, Nelms, Nesbitt, Ozanne, Parsons F., Parsons J. R., Peyton E. G., Phillips, Railsback, Rainey, Richardson, Smith, Stovall, Stricklin, Stiles, Toy, Vaughan, Watson, Warren, Woodmansee, Yeoman—57.

Nays—Messrs. Barry, Caldwell, Drane, Fitzhugh, Handy, Leonard, Mayson, Newsom, Orr, Stewart, Stites, and Weir—13.

And the amendment of Mr. Alderson was laid on the table.

Mr. Watson offered the following amendment:

Strike out all after "section 21," and insert as follows: "There shall be neither slavery nor involuntary servitude in the State, otherwise than in the punishment of crime, whereof the party shall have been duly convicted; *Provided*, It shall be the duty of the Legislature to establish a uniform system of apprenticeship for minors, who may be without proper legal protectors, and whose condition will manifestly be improved by their apprenticeship to virtuous citizens."

Mr. Orr moved to table the amendment;

Which was lost.

Mr. Parsons, of Adams, moved to strike out all after the word "convicted;"

Mr. Stricklin moved to lay on the table;

Which was carried.

Mr. Castello moved to insert after the word "virtuous," the words "honest and industrious;"

Which was lost.

Mr. Watson moved the previous question, which was sustained.

The question recurring on the amendment of Mr. Watson, it was adopted, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Ballard, Chappell, Clarke, Combash, Conley, Cunningham, Dalton, Elliott John, Elliott James, Fawn, Field, Gaither, Goss, Gray, Hemmingway, Howe, Hutto, Johnson S., Jones, Leas, Mask, Montgomery, Myers, McCutchen, McKee, McKnight, Neilson, Nelms, Nesbitt, Newsom, Ozanne, Peyton E. A., Phillips, Quinn, Railsback, Rainey, Richardson, Smith, Stovall, Stricklin, Stiles, Toy, Vaughan, Walker, Watson, Weir, and Yeoman—49.

NAYS—Messrs. Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Drane, Fitzhugh, Handy, Hauser, Herbert, Holland, Jacobs, Johnson A., Lawson, Leonard, Mayson, Musgrove, Moore, Orr, Parsons F., Parsons J. R., Peyton E. G., Stewart, Stites, and Warren—27.

The question then recurring on section 21, as amended, it was adopted.

Section 22:

Mr. Castello moved to amend as follows:

Strike out all after word "laws," in the 3d line, and insert "except for murder in the first degree."

Mr. Clarke moved to postpone indefinitely the consideration of section 22, with the amendment;

Which was carried.

Mr. Hemmingway moved to reconsider the vote on section 21.

Mr. Stiles moved the previous question;

Which was sustained.

Mr. Castello moved to adjourn;

Which was lost.

And the motion to reconsider the vote on section 21 was lost.

Mr. Musgrove moved that the rules be suspended to permit the introduction of a resolution;

Which was carried.

Mr. Musgrove then offered the following:

*Resolved*, That after the 24th day of February, the Convention hold two sessions each day, Sunday excepted; the morning session to commence at 9 o'clock A. M., and the afternoon session to commence at 3 o'clock P. M.

Mr. Castello moved to amend by adding after "3 o'clock P. M.," the following:

"And night session to commence at 7½ P. M."

A motion to lay on the table was lost.

And the amendment was adopted.

And the resolution, as amended, was adopted.

Convention adjourned to meet at 9 o'clock to-morrow.

T. P. SEARS,
*Secretary.*

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## FORTY-THIRD DAY.

JACKSON, MISS., Tuesday, Febrary 25th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Conley, Cunningham, Dalton, Drane, Elliott of Itawamba, Elliott of Monroe, Fawn, Field, Fitzhugh, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Herbert, Holland, Howe, Hutto, Jacobs, Jamison, Johnson A., Jones, Lawson, Leas, Leonard, Mayson, Mask, Merryman, Musgrove, Montgomery, Moore, Myers, Mygatt, McKee, Morgan, Nielson, Nelms, Nesbitt, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Phillipps, Railsback, Rainey, Smith, Stewart, Stites, Stovall, Stricklin, Stringer, Stiles, Toy, Vaughan, Watson, Warren, Walker, Weir, Woodmansee, Yeoman—79.

The following delegates were absent:

Messrs. Collins, Compton, Dowd, Hemmingway, Johnson S., Kerr, Lack, Longmire, Miles, McCutchen, McKnight, Powell, Quinn, Richardson, Townsend, Williams 16.

Journal of yesterday read and approved.

Leave of absence was granted to Mr. Stringer for one day.

The following communication was received from the Convention Printer, Mr. Dugan, under a suspension of the rules:

*To the President and Gentlemen of the Mississippi Constitutional Convention:*

Gentlemen—Owing to a misconception of the rules regulating the prices of printing by the committee, the report adopting the prices to be paid for certain kinds of work is found to be entirely inadequate, and will operate very oppressively upon the Public Printer.

The second section provides "for resolutions, memorials and reports of committees, printed on foolscap or similar sized paper, thirty six ems wide, and forty printed lines in length, for the first one hundred copies, eight dollars per page," etc., etc.

Owing to the instructions the Public Printer first received, to print said resolutions, memorials, etc., in their present form of forty lines in length and fourteen ems wide on a page, the committee seems to have overlooked the fact that by ordering the width to be extended to thirty-six ems, would entail a loss of one price and a half to the Printer; in other words, it would reduce his compensation to one-half of its present rates.

In consideration of the fact that the prices allowed are not by any means too liberal, and that if the requirements of the second section are enforced, it will barely pay the expenses, if not entail an actual loss to the Public Printer, I would therefore respectfully submit, that the said section of the report of the Committee on Printing may be so altered and amended as to read, "fourteen," instead of, "thirty-six," in the fourteenth line of said section. It was entirely owing to a misunderstanding and want of knowledge on the subject that the provision aforesaid was adopted, and I feel confident that the

Convention will remedy the evil as soon as it is properly advised upon the matter. The provisions to have the pages thirty-six ems wide, in book form, is very proper, and the Printer does not object; but he was first ordered to print the resolutions, memorials, etc., in their present form, and consequently his reglets were all cut and forms made up to that measure. A change now would make it necessary to procure another lot of material to make it up to that size.

With these explanations, I leave the matter with the Convention, hoping that they will change the report to conform with these suggestions.

Respectfully submitted,
JAS. DUGAN,
*Public Printer.*

Mr. Parsons moved to receive the report, and that it be referred to a special committee of three.

Mr. Hauser moved to postpone until to-morrow;
Which was carried.

The rules were suspended to receive a report of the special committee appointed to confer with General Gillem;

*To the President and Members of the Constitutional Convention:*

As chairman of the special committee appointed to confer with the General Commanding the Fourth Military District, in regard to the enforcement by him, of the tax ordinance adopted by your Convention, I would respectfully report, that said ordinance was submitted to the General Commanding for his examination.

Some of its provisions met with his approval, viz: The tax of one-half of one per cent. on merchandise, and the 33⅓ per cent. on the assessed value of real estate, its other provisions, in his opinion, were not in conformity with the eighth section of the Act of Congress, of March 23, 1867.

He further stated, that if the Convention would frame and adopt an ordinance, wherein a uniform tax was levied upon the property in the State, and the collection of the same vested in the Sheriffs of the various counties to be by them paid into the State Treasury when collected, and to be held by the State Treasurer, as a special fund, would meet with his entire approval, and its collection would be enforced by him, and the Auditor of the State would be directed to issue State warrants in lieu of those issued by the Convention, up to the time of the adoption of such ordinance, and for all necessary expenses thereafter incurred.

Respectfully submitted,
BENJAMIN H. ORR,
*Chairman.*

The Committee on Finance made the following report:

*To the Hon. President and Members of the Convention:*

Your Finance Committee would respectfully submit the following tax ordinance.

FRED. PARSONS,
*Chairman.*

AN ORDINANCE TO PROVIDE FOR THE LEVY AND COLLECTION OF A SPECIAL TAX UPON THE PROPERTY IN THE STATE OF MISSISSIPPI, IN CONFORMITY WITH THE 8TH SECTION OF AN ACT ENTITLED AN ACT SUPPLEMENTARY TO AN ACT OF THE CONGRESS OF THE UNITED STATES, PASSED MARCH 23, 1867, PROVIDING AS FOLLOWS:

"SEC. 8. *And be it further enacted,* That the Convention for each State shall prescribe the fees, salary, and compensation to be paid to all delegates and other officers and agents herein authorized, or necessary to carry into effect the purposes of this act, not herein otherwise provided for, and shall provide for the levy and collection of such taxes on the property in such State as may be necessary to pay the same."

SEC. 1. *Be it therefore ordained,* That we, the people of Mississippi, in convention assembled, in compliance with the Act of Congress herein cited, and for the purpose of paying the necessary expenses of the Convention under and by virtue of said Act of Congress, a special tax of fifty per cent. on the amount of the State tax assessed upon the real and personal property in this State for the year 1867, be, and the same is hereby levied, and that this amount shall be added to the State tax assessment rolls for the year aforesaid.

SEC. 2. *Be it further ordained,* That a special tax of one-half of one per cent. be, and the same is hereby levied upon the value of the stock now on hand in each and every dry goods, grocery, drug or provision store, and stocks of goods and merchandise, and all other movable or personal property of every kind and nature, not herein otherwise provided for.

SEC. 3. *Be it further ordained,* That a special tax of one dollar per bale be and the same is hereby levied upon each and every bale of cotton now in this State. Said tax may be paid in the county where said cotton was grown, but if not paid, said tax shall be collected at any point of shipment on the Mississippi river, or any other river or navigable water-course, or at any point or place where cotton is placed, on any water craft, railroad car, wagon or other conveyance where cotton is being removed out of the State or beyond the limits thereof; and if said tax has been paid in the county where said cotton was grown or produced, the receipt of the Sheriff of said county or his lawful deputy, shall entitle said cotton to be shipped out of this State without further tax; and if any person or persons having charge of the means of transportation aforesaid, either as owner, agent, or otherwise, shall transport, or offer to transport, or permit the same to be transported (if in his or their power to prevent), any cotton subject to this tax, and upon which it has not been paid, such person or persons shall be liable to a fine of five dollars for each and every bale so transported in violation of this ordinance, recoverable before the Mayor of any city or town, or before any Justice of the Peace of this State, or before any other court having competent jurisdiction.

SEC. 4. *Be it further ordained*, That it shall be the duty of the several Sheriffs and *ex officio* Tax Collectors to give immediate notice, on receipt of this ordinance, that they will proceed to collect the taxes herein levied, and that to all taxes remaining unpaid at the expiration of ten days from the date of said notice, twenty-five per cent. will be added to the amount of said tax, and that an additional twenty-five per cent. for the next ten days, and that if said tax shall remain due and unpaid at the expiration of twenty days from the date of said notice, said Sheriff or Tax Collector shall seize upon and take into his possession a sufficient amount of the movable property of the defaulting party to satisfy the amount of tax due, together with the fifty per cent. herein authorized to be added, and the costs of levy and sale, and shall sell the same within three days after such levy; *Provided*, Said property is not redeemed by the owner or owners thereof, by paying said taxes, with additional charges; *Provided*, *further*, That said Sheriff or Tax Collector shall give two days' notice of the time and place of sale, with a description of the property to be sold by advertisements put up in three public places in the county, and if, for any cause, no bidders shall appear at such sale, it shall be the duty of said Sheriff or Tax Collector to remove said property to any place where the same can be sold, and said property shall then and there be disposed of without delay, and if any of the proceeds of such sale shall remain after paying said taxes, additions and cost, the same shall be returned to the person upon whom the levy was made.

SEC. 5. *Be it further ordained*, That the Sheriff or Tax Collector shall have power to administer an oath to any person or persons, as to his or their valuation of stock on hand, or of the personal property now in their possession, and shall have power to examine all books and papers of merchants and others, in order to carry out the provisions of sections two and three of this ordinance, and if any person shall refuse to take such oath, or if the said Sheriff shall be dissatisfied as to the statement of the value, or amount of personal property or of stock on hand, he shall have power to call in a disinterested citizen of the county, to assess such property and such person's decision shall be final and binding upon all parties.

SEC. 6. *Be it further ordained*, That warrants issued by authority of this Convention, and no others, and the currency of the United States, shall be received by the several Sheriffs, Tax Collectors and Treasurer of this Convention in payment of the tax herein assessed.

SEC. 7. *Be it further ordained*, That the Sheriff and Tax Collector shall, at the end of every five days (beginning ten days after the receipt of a copy of this ordinance), transmit to the Treasurer of this Convention the amount of moneys so collected and warrants so received, with a statement of the names of persons from whom collected, and the amount each one has paid, and when the tax is all collected, said Collectors shall forward to said Treasurer a final statement of the money so collected, together with an affidavit that said statement contains a true and correct exhibit of all moneys collected by him under and by virtue of the provisions of this ordinance; *Provided*, That the moneys herein directed to be sent to said Treasurer, shall in all cases be forwarded through the nearest express office, and that each Collector shall be reimbursed for all expenses incurred in transmitting said funds to the Treasurer; *Provided, further*, That where there is no express office in the county, then and in that case, the Collector shall only be required to make returns as herein provided, once in every ten, instead of five days; *Provided, further*, That any person or persons who shall have paid any tax upon any property under and by virtue of any ordinance heretofore passed by this Convention, shall be exempt from payment of a further tax upon such property under this ordinance.

Sec. 8. *Be it further ordained*, That the Sheriffs and Tax Collectors shall receive in full compensation for services in collecting said tax, five per cent. of the amount so collected.

Sec. 9. *Be it further ordained*, That the taxes due from railroads, under and by virtue of this ordinance shall be collected as follows: Upon the New Orleans, Jackson and Great Northern Railroad, by the Sheriff of Hinds county; upon the Vicksburg and Meridian Railroad, by the Sheriff of Warren county; upon the Mississippi Central Railroad, by the Sheriff of Holmes county; upon the Mobile and Ohio Railroad, by the Sheriff of Lowndes county; upon the Mississippi and Tennessee Railroad, by the Sheriff of Yalobusha county; upon the Meridian and Selma Railroad, by the Sheriff of Lauderdale county; upon the Memphis and Charleston Railroad, by the Sheriff of Tishomingo county; upon the West Feliciana Railroad, by the Sheriff of Wilkinson county; upon the Grand Gulf and Port Gibson Railroad, by the Sheriff of Claiborne county. And if any Railroad Company shall neglect or refuse to pay the tax levied under and by virtue of this ordinance, the Sheriffs of the counties above named shall have power, and they are hereby authorized to seize upon the materials or the rolling stock of such railroads that may come within their jurisdiction, and hold the same until said taxes are paid; together with all expenses incurred in seizing upon and holding said property.

Sec. 10. *Be it further ordained*, That the taxes due from any Express or Telegraph Company by reason of this ordinance, shall be collected by the Sheriff of Hinds county.

Sec. 11. *Be it further ordained*, That when any real estate shall be assessed, and no personal property of the delinquent tax payer can be found upon which to levy said taxes, the said Sheriffs or Tax-Collectors shall proceed as now required by law for the sale of lands for taxes.

SEC. 12. *Be it further ordained*, That the said Sheriffs or Tax Collectors shall have power to appoint any and all deputies (being responsible for the faithful performance of their duty), to carry into immediate effect the provisions of this ordinance; and any Sheriff, Tax Collector or deputy, who shall neglect or refuse to carry out the provisions of this ordinance, shall be liable to the same penalties as defaulting Tax Collectors.

SEC. 13. *Be it further ordained*, That the Treasurer heretofore elected by this Convention shall continue in office during its session and such further time as may be necessary to carry out the provisions of this ordinance. He shall receive the same compensation as members of this Convention; and it shall be his duty to provide all books, blank notices and receipts necessary to carry out the provisions of this ordinance, and forward the same to the several Sheriffs or Tax Collectors. He shall also file a bond with the President of, and to be approved by the Convention, in the sum of thirty thousand dollars, for the faithful performance of his duties.

SEC. 14. *Be it further ordained*, That the office of the Treasurer shall be in the State House, in the city of Jackson, and shall be kept open from 9 o'clock A. M., until 4 o'clock P. M., each day (Sundays excepted).

SEC. 15. *Be it further ordained*, That the Treasurer shall receive and disburse all moneys collected under, and by virtue of this ordinance; *Provided*, That no disbursement shall be made, except upon warrants signed by the President and countersigned by the Secretary. He shall, as often as may be deemed necessary by this Convention, furnish a detailed statement of all moneys received and disbursed by him in accordance with this ordinance, and all books and papers appertaining to his office, shall, at all times, be open to the inspection of the Finance, or other committee, specially appointed by the Convention for that purpose.

SEC. 16. *Be it further ordained*, That if any moneys shall remain in the hands of Treasurer, after paying the expenses of the Convention, it shall be invested in United States securities, at their market value, which securities shall be held subject to the order of the next Legislature, at its first meeting; *Provided*, If this Convention shall be again called together, in that case, the securities shall be held subject to the order of the Convention.

SEC. 17. *Be it further ordained*, That any Sheriff, Tax Collector, or Treasurer, appointed by this Convention, who sball embezzle or fraudulently use, loan, convert, or attempt to convert, any of said funds herein authorized to be collected, to his own use, or apply them in any manner not herein provided for, he shall be deemed guilty of embezzlement, and shall be prosecuted in any court in this State having competent jurisdiction, and upon conviction, shall be fined and imprisoned as now provided for by law in case of State and county officers.

SEC. 18. *Be it further ordained*, That an ordinance providing for the levy and collection of a tax to defray the expenses of the Constitutional Convention of the State of Mississippi, passed February 19, 1868, be and the same is hereby repealed.

Mr. Musgrove moved to suspend the rules, to take action on the report of the Committee on Finance;

Which was carried.

Mr. Stricklin moved to make the bill the special order for 7½ o'clock this evening.

A motion to lay on the table was lost.

Mr. Morgan moved to amend the resolution of the delegate from Tippah, as follows:

"That a copy of the bill be immediately furnished to the Official Printer, to be printed and placed in the possession of the delegates by 7½ o'clock this evening, and that it be made the order of the day for 10 o'clock to-morrow;

Which was adopted.

Report of the Special Committee appointed to investigate charges against the Hon. R. C. Merryman, delegate from Lauderdale county:

*Mr. President and Gentlemen of the Convention:*

The special committee to whom was referred the charges against the Hon. R. C. Merryman, of Lauderdale county, beg leave to make the following report:

They have investigated the facts as fully as possible, and submit the following testimony of C. F. Norris, W. Lawson, and C. T. Lawson. They also report that Mr. Merryman made a verbal statement to the Convention to the effect that he knew very little of the affair on Sunday evening, for the reason that he was so much intoxicated at the time; that he did not come to the house with soldiers, but with respectable citizens; that if he acted as was alleged, he was very sorry; he did not intend any injury to Mr. Norris, or anything of the kind, and is willing to apologize to the Convention, and to any persons whom he may have annoyed; that he and the party only came to the House for the purpose of having a place by the fire to talk and spend a few moments; that he does not remember what happened, for the reason before stated.

Your special committee, therefore, submit the facts adduced by them, in order that the Convention may, unbiased by any recommendations, judge for itself what action shall be had in the premises.

They also make the further statement that they have been unable to find out who were the persons who came into the House, accompanied by Mr. Merryman.

And your committee ask to be discharged.

GEO. C. MCKEE, *Chairman.*
W. W. GAITHER,
C. P. NEILSON,
H. W. BARRY,
J. AARON MOORE, *Committee.*

C. F. Norris, Doorkeeper, being duly sworn, says:

On Sunday night I was sleeping in the hall; several persons came about 12 o'clock at night, and tried to get in; failed to do so; they then tried the back way; they then came again to the front door, and some one said, "Norris is in there, sure," and then they called my name several times. I went to the door; as I opened it, Mr. Merryman seized me by the arm and said, "boys, come on, I have got him." I then said, "let me get my pants and I'll go with you." He let me go, and I went and got my pants and went out the back way; when I got away from him, he called for me to light the gas, but I went out without doing so; he didn't know that I was going out the back way; when Merryman seized me, there was another man, in citizens clothes, stood just back of him; quite a number of men stood at the farther end of the passage; when Merryman called for them to "come on," they came forward, but before they came up I had gone; I never before had any difficulty with Mr. Merryman.

C. F. Norris.

Wesley Lawson, delegate from Lawrence county, being duly sworn, says:

On Sunday night, about 12 o'clock, I was sleeping with Mr. Norris, the Doorkeeper, in the hall; several persons came in after Norris had gone; they at once lighted the gas, and said several times, "where's Norris! where's Norris!" Some of them came to me, and looked at me once or twice to see if I was Norris; one of them saw my watch and chain, and took hold of it and pulled it out; I seized a stick and told him he "must take me if he took my watch;" I then got my watch back; some one then took my pants and tried to search the pockets, but I stopped them; they then turned off the gas; in the dark I tried to find my coat; found it thrown over the shoulders of one of the men; took it away, and gathering all my things, I went back to my place; some one of the men took my pipe away; they lighted the gas again; Mr. Merryman went up to the President's desk; he also looked over the papers on the Secretary's desk; there were twelve men in the house, and I heard others outside, in the entrance; two were dressed in citizens clothes, and ten were in soldiers dress; the soldiers had on coats and blouses; some had caps and some had hats; it was a citizen who tried to take my watch; a soldier examined the letters in the Secretary's desk; one letter he tore up and threw upon the floor after reading it; several desks and drawers of the members were ransacked; a citizen put in his pocket a letter or paper from Mr. Watson's desk or drawer; they staid in the house about three-quarters of an hour; Mr. Merryman was the only one whom I recognized; he did not look like he was in liquor; on Monday morning I spoke to Mr. C. T. Lawson about my pipe; he said Mr. Merryman would pay for it if I would say nothing about it; none of the men seemed to be intoxicated; Mr. Merryman did not trouble me; it was others who did it.

W. Lawson.

Mr. C. T. Lawson, Committee Clerk, being duly sworn, deposes and says:

Mr Merryman drank a great deal on Sunday; he came home on Sunday night, about 12 o'clock, in a state of wild excitement from liquor; he begged me to take care of him; I thought he was going to have an attack of mania a potu; on this (Monday) morning he was very sick; I saw Mr. W. Lawson; he said he had lost his pipe, and wished me to see Mr. Merryman about it; I did so; Mr. Merryman said he knew nothing of the pipe, but would pay for it rather than have a fuss about it.

C. T. LAWSON.

The report was received.

The galleries and lobbies were then ordered to be cleared.

The following communication was then received from Mr. Merryman:

MISSISSIPPI CONSTITUTIONAL CONVENTION,
JACKSON, MISS., February 25, 1868.

*To the Honorable President and Members of the Convention:*

GENTLEMEN—The undersigned would very respectfully express his regret and profound sorrow, to the Convention, that his conduct should have been thought a subject for the action or animadverson of this honorable body.

He begs leave to say, that the indiscretion of which he may have been guilty, was not committed at an hour when he might have justly incurred the censure of this honorable body, but that as evidence taken before your honorable committee exhibited, the alleged offence occurred at a very late hour on Sunday night, and in the opinion of many friends of the undersigned, at a time when he was not responsible for such thoughtlessness.

He would farther state, that whilst conscious that inebriety can hardly be pleaded as an excuse for misconduct, had that imprudence not have happened, he would not now have had to experience the humiliation of this apology.

I have the honor to be,
With the highest respect,
Your most obedient servant.
R. C. MERRYMAN.

Mr. Musgrove moved to suspend Mr. Merryman for ten days.

Mr. Holland moved to amend by substituting "twenty-five," for "ten," days.

Mr. Herbert moved to lay both the motion and amendment on the table;

Which was lost.

Mr. Gaither moved that Mr. Merryman be reprimanded by the President of this Convention, for his acts and conduct, on the occasion mentioned in the report of the committee.

A motion to lay the amendment on the table was carried.

Mr. Fitzhugh moved to amend as follows:

For crimes committed in this hall, and against the officers of this Convention, charged and proved in the report of the committee, that Mr. Merryman, the member from Lauderdale, be expelled from the seat he occupies as a member of this Convention.

A motion to lay the amendment on the table, was tost.

Mr. Howe moved the previous question,

Which was sustained.

Mr. Orr claimed the right to explain his vote, after the Secretary commenced to call the roll.

Which the Chair decided out of order.

Mr. Orr appealed from the decision of the Chair, and the Chair was sustained,

The amendment of Mr. Fitzhugh was lost, by the following vote:

Yeas—Messrs. Alderson, Barry, Bonney, Caldwell, Fitzhugh, Handy, Hauser, Holland, Howe, Johnson A., Lawson, Leonard, Moore, Morgan, Mygatt, McKee, Peyton E. G., Railsback, Rainey, Stewart, Stites, Stringer, Warren, Woodmansee—25.

Nays—Messrs. Ballard, Beam, Bridges, Brinson, Castello, Chapman, Chappell, Combash, Conley, Cunningham, Dalton, Elliott John, Elliot James, Fawn, Gaither, Gibbs, Goss, Gray, Hutto, Jacobs, Jones, Mayson, Mask, Musgrove, Montgomery, Myers, McKnight, Neilson, Nelms, Nesbitt, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Phillips, Quinn, Smith, Stovall, Stricklin, Toy, Vaughan, Watson, and Yeoman—44.

The hour having arrived for the consideration of the special order of the day,

The rules were suspended, and the Convention proceeded with the consideration of the case of Mr. Merryman.

Mr. Orr desired to explain the vote he was about to cast.

The President decided that after the previous question had been sustained, no explanations were in order.

Mr. Orr appealed from the decision of the Chair, and the Chair was sustained.

The question recurring on the amendment of Mr. Holland, it was lost, by the following vote:

Yeas—Messrs. Bonney, Caldwell, Holland, Leas Musgrove, Mygatt, McKee, Railsback, Stringer, and Woodmansee—10.

Nays—Messrs. Alderson, Ballard, Barry, Bridges, Brinson, Castello, Chapman, Chappell, Clarke, Combash, Conley, Cunningham, Dalton, Drane, Elliott John, Elliott James, Fawn, Field, Fitzhugh, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Howe, Hutto, Jacobs, Johnson A., Jones, Lawson, Leonard, Mayson, Mask, Montgomery, Moore, Morgan, Myers, McKnight, Neilson, Nelms, Nesbitt, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Phillips, Quinn, Rainey, Smith, Stewart, Stiles, Toy, Vaughan, Walker, Watson, Warren, and Yeoman—67.

And the motion of Mr. Musgrove was lost.

The Bill of Rights was taken up for consideration.

And section 23 was adopted as printed.

Convention adjourned, to meet at 3 o'clock P. M.

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

Mr. Holland offered the following:

WHEREAS, The Congress of the United States did on the 24th instant, impeach Andrew Johnson, acting President of the United States, by a vote of 126 to 47; therefore be it

*Resolved*, That this Convention express its approval of such action.

A motion to lay on the table, was lost, by the following vote:

YEAS—Messrs. Ballard, Beam, Conley, Cunningham, Dalton, Elliott John, Gaither, Goss, Hutto, Jones, Lack, Longmire, Mask, Montgomery, Nelms, Nesbitt, Phillips, Rainey, and Walker—19.

NAYS—Messrs. Alderson, Alcorn, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Clarke, Combash, Drane, Fawn, Fitzhugh, Handy, Gibbs, Holland, Howe, Jacobs, Jamison, Johnson, A., Lawson, Leas, Leonard, Mayson, Musgrove, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Newsom, Ozanne, Parsons, F., Parsons, J. R., Peyton, E. A., Quinn, Railsback, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Warren, Woodmansee, Yeoman—49.

Mr. Combash moved the previous question;

Which was lost.

The Convention proceeded to the consideration of the Bill of Rights.

Mr. Peyton, of Hinds, moved to reconsider the action adopting the 23d section as printed.

Mr. Cunningham moved the previous question, which was sustained; and the motion to reconsider was lost.

Mr. Orr gave notice that on to-morrow, he would move a reconsideration of the vote on the resolution relating to Mr. Merryman.

Section 24:

Mr. Clarke, of Yazoo, moved to amend, by striking out all after " so, " in third line, and insert: "*Provided*, a member of a religious society whose established rules of church government prohibit him from bearing arms or from paying an equivalent, he shall be exempt from distress in person and property, for non-payment of such equivalent;"

Which was laid on the table.

Mr. Alderson offered the following amendment:

No person conscientiously opposed to war on religious principles, shall ever be forced to bear arms, but may be required to supply a substitute;

Which was laid on the table.

Mr. Alderson moved to postpone indefinitely the consideration of the section;

Which was laid on the table.

Mr. Barry offered the following:

After the word "who," read "whose religious and conscientious scruples forbid their bearing;"

Which was laid on the table.

And section 24 was adopted as printed.

Section 25: Mr. Stricklin, of Tippah, moved to amend, as follows:

Except such institutions as are governed by, or established for the benefit of white or colored persons, exclusively;

Which motion was laid on the table.

Mr. Railsback moved the adoption of section 25, as printed; and on that motion, moved the previous question.

Which was sustained.

And the section was adopted, as printed, by the following vote:

Yeas—Messrs. Alcorn, Ballard, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Chappell, Clarke, Conley, Cunningham, Drane, Fawn, Field, Fitzhugh, Handy, Hauser, Holland, Jacobs, Johnson A., Lawson, Leonard, Mayson, Myers, Mygatt, Moore, McKee, Newsom, Orr, Ozanne, Peyton E. A., Railsback, Smith, Stewart, Stringer, Stiles, Toy, Warren, Weir, Woodmansee—41.

Nays—Messrs. Alderson, Beam, Chapman, Combash, Dalton, Elliott John, Elliott James, Gaither, Gibbs, Goss, Gray, Hemmingway, Herbert, Howe, Hutto, Jamison, Jones, Lack, Leas, Longmire, Musgrove, Montgomery, McKnight, Neilson, Nelms, Nesbitt, Parsons F., Parsons J. R., Phillips, Quinn, Rainey, Stovall, Stricklin, Vaughan, Watson, and Yeoman—35.

Mr. Stiles moved to reconsider;

Which was laid on the table, by the following vote:

Yeas—Messrs. Alcorn, Ballard, Barry, Bonney, Bridges, Brinson, Caldwell, Chappell, Clarke, Dalton, Drane, Elliott James, Fawn, Field, Fitzhugh, Handy, Herbert, Holland, Hutto, Jacobs, Jamison, Johnson A., Leonard, Mayson, Musgrove, Moore, Myers, Mygatt, Newsom, Orr, Ozanne, Peyton E. A., Quinn, Railsback, Smith, Stewart, Stites, Stringer, Toy, Weir, and Woodmansee—41.

Nays—Messrs. Alderson, Beam, Brinson, Castello, Chapman, Combash, Conley, Cunningham, Elliott John, Gaither, Gibbs, Goss, Gray, Howe, Jones, Lack, Leas, Longmire, Montgomery, McKee, McKnight, Neilson, Nelms, Nesbitt, Parsons F., Parsons J. R., Phillips, Rainey, Stovall, Stricklin, Stites, Vaughan, Watson, Warren, and Yeoman—34.

Section 26: Mr. Stiles moved to postpone indefinitely;

Which was laid on the table.

Mr. Orr called for the previous question on the adoption of section 26, as printed;

Which was sustained.

And the section was adopted, as printed.

Mr. Cunningham moved to reconsider the vote last taken.

Mr. Gibbs moved to table;

Which was lost.

Mr. Castello moved the previous question;

Which was sustained.

And the motion to reconsider was lost.

Section 27: Mr. Neilson moved to amend, as follows:

Amend, by striking out all after the word "State," in fourth line.

Mr. Alderson moved the previous question;

Which was not sustained.

A motion to adjourn was lost.

And section 27 lies over.

Section 28: Mr. Jacobs moved to amend as follows:

After the word "travel," insert "upon all public conveyances."

Mr. Orr moved to amend as follows:

Insert after the word "travel," in second line, "on all public conveyances, and be entertained in all public places."

Mr. Gibbs moved to lay the amendments on the table;

Which was lost.

Mr. McKee moved the previous question;

Which was sustained, and the amendment of Mr. Orr was lost, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Chappell, Combash, Drane, Fawn, Field, Fitzhugh, Handy, Jacobs, Johnson, Lawson, Leas, Leonard, Mayson, Musgrove, Moore, Myers, Mygatt, McKee, Newsom, Orr, Parsons F., Railsback, Stewart, Stites, Stringer, Toy, and Warren—35.

Nays—Messrs. Beam, Conley, Cunningham, Dalton, Elliott John, Elliott James, Gaither, Gibbs, Goss, Gray, Herbert, Howe, Hutto, Jamison, Jones, Lack, Longmire, Mask, Montgomery, McKnight, Neilson, Nelms, Nesbitt, Ozanne, Parsons J. R., Peyton E. A., Peyton E. G., Phillips, Rainey, Smith, Stovall, Stricklin, Stiles, Vaughan, Walker, Watson, Weir, and Yeoman—38.

And the amendment of Mr. Jacobs was adopted.

And section 28 was adopted as amended.

Convention adjourned to meet at half past 7 o'clock P. M.

## NIGHT SESSION.

Convention met pursuant to adjournment.

No quorum being present, the Convention adjourned until 9 o'clock to-morrow morning.

T. P. Sears,
*Secretary*

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## FORTY-FOURTH DAY.

Jackson, Miss., Wednesday, February 26th, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Conley, Cunningham, Dalton, Drane, Elliott John, Elliott James, Fawn, Field, Fitzhugh, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Holland, Howe, Hutto, Jacobs, Jamison, Johnson A., Jones, Lack, Lawson, Leas, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Merryman, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Neilson, Nelms, Nesbitt, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Phillips, Quinn, Railsback, Rainey, Smith, Stewart, Stites, Stovall, Stricklin, Stringer, Stiles, Toy, Vaughan, Walker, Watson, Warren, Weir, Woodmansee, and Yeoman—83.

The following delegates were absent:

Messrs. Collins, Compton, Hemmingway, Herbert, Johnson, Kerr, Miles, McCutchen, Powell, Richardson, Townsend, and Williams—12.

Journal of yesterday was read and approved.

Mr. Stiles offered the following:

*To the Honorable President and Members of the Mississippi Constitutional Convention:*

Gentlemen—Acting under perhaps a mistaken sense of duty, I refused on yesterday, to vote upon the case of Mr. Merryman, thereby transgressing a rule of the Convention requiring every member to vote. My refusal was in no spirit of obstinacy or insubordination, nor did I intend any disrespect to your honorable body, or any member of it.

For many reasons, I thought the member above alluded to, should have been expelled or acquitted. The offense was one of such a nature, as, in my judgment, admitted of neither extenuation, palliation, or excuse. I could not vote for his acquittal, consistently with my own sense of duty; nor did I then think he had then had a fair and impartail trial, and for that reason would not vote for his expulson.

I deemed it proper to make this explanation, and trust it will prove satisfactory to your honorable body.

Respectfully,

E. H. Stiles.

Communication received and ordered to be spread upon the Journal.

Leaves of absence were granted to Mr. Jamison for one week; Mr. Kerr for five days; Mr. Gaither for ten days from Friday next; Mr. Cunningham for two days.

The Committee on Contingent Expenses reported as follows:

*To the President and Members of the Constitutional Convention:*

Your committee on Contingent Expenses, to whom was referred the bill amounting to twenty-four ($24) dollars, for the purchase of one gross of lead pencils by the Finance Committee, would respectfully report the following, viz:

That the Sergeant-at-Arms informs your committee that he has on hand some seven or eight dozen pencils, and that no requisition was made upon him by the Finance Committee for pencils; hence your committee cannot see the necessity of said purchase, but as the article purchased will be needed sooner or later by the Convention, they would recommend the payment of the bill.

U. Ozanne,
*Chairman.*
Jeheil Railsback,
W. H. Gibbs,
S. C. Conley,
John C. Brinson,
*Committee.*

A motion to print and lie over was lost.

Jackson, Miss., February 25th, 1868.

*Messrs. Ash & Lemley, Druggists, etc.*

Furnish for the use of this Covention ten gross lead pencils, and this shall be your certificate.

Fred. Parsons,
*Chairman Finance Committee.*

Below is the bill appended to the above report.

*Constitutional Convention of the State of Mississippi,*

| 1868. | To Ash & Lemley, | Dr. |
|---|---|---|
| Feb. 25, | To 1 gross lead pencils.................... | $24 00 |

Report received.

Mr. Cunningham moved to suspend the rules and take up the report of the Finance committee;

Which was carried.

Mr. Orr moved to read the report by sections;

Which was carried.

Mr. Morgan moved that it be put upon its second reading;

Which was laid on the table.

Mr. Cunningham moved that it be read the first time by its title;

Which was carried.

And the bill passed to its second reading.

The Convention then proceeded to consider the bill by sections.

Section 1:

Mr. Weir offered to amend as follows:

Insert in section 1, in second line, after the word "ordained," the words, "in obedience to the command of Gen. A. C. Gillem, Commander of the Fourth Military District." After the word "and," in sixth line, insert the words "the command of Gen. Gillem." After the word "said," in ninth line, insert the words "command and;"

Which was laid on the table.

Mr. Neilson moved to amend as follows:

Amend by striking out the word "fifty," in tenth line, and inserting the word "twenty-five;"

Which was laid on the table.

Mr. Morgan moved to amend as follows:

Strike out all after the word "be," in first line to the word "a," in ninth line;

Which was laid on the table.

Mr. McKee offered to amend as follows:

Insert in the ninth line the words, "do order that," after the word "Congress."

Mr. Orr moved to table;

Which was lost.

And the amendment was adopted.

Mr. Field offered to amend as follows:

After the word "Congress," in the ninth line, insert the words, "will of the people we represent;"

Which was laid on the table.

Mr. Watson moved to amend as follows:

Strike out the words "of Congress," in ninth line. Strike out the word "of," in tenth line, and insert the words, "on the property, real and personal, in the State equal to." Strike out the words, "the real and personal," in the twelfth line, and insert the word "said." Strike out the words "in this State," in the thirteenth line, and insert the words "for State purposes;"

Which was carried.

Mr. Morgan, of Yazoo, offered the following:

*Be it ordained by the people of the State of Mississippi, in Convention assembled*, That a special tax equal to 150 per cent. of the tax assessed upon the real and personal property in this State for the year 1867, be and the same is hereby levied on all real and personal property in this State, and that this amount shall be added to the tax assessment rolls for the year aforesaid.

Which was laid on the table.

Mr. Orr offered the following:

*Be it ordained*, That a special tax of two mills per cent. be and the same is hereby levied upon the assessed value of all real and movable property in the State.

Which was laid on the table.

And section 1 was adopted, as amended.

Section 2:

Mr. Neilson moved to amend as follows: Strike out the word "half," in the second line, and insert the word "fourth;"

Which was laid on the table

And section 2 was adopted as printed.

Section 3:

Mr. Orr moved to postpone indefinitely;

Which was lost.

Mr. Gibbs moved to strike out the 3d section.

Mr. Parsons, of Adams, moved to table;

Which was lost, by the following vote:

YEAS—Messrs. Bridges, Caldwell, Castello, Drane, Fawn, Fitzhugh, Handy, Jacobs, Johnson A., Jones, Leas, Leonard, Mayson, Moore, Morgan, Myers, Mygatt, McKee, Parsons F., Peyton E. A., Peyton E. G., Quinn, Railsback, Smith, Stites, Stringer, Toy—27.

Nays—Messrs. Ballard, Bonney, Brinson, Chapman, Chappell, Combash, Conley, Cunningham, Dalton, Elliott John, Elliott James, Field, Gaither, Gibbs, Goss, Gray, Howe, Hutto, Jamison, Lack, Lawson, Longmire, Mask, Musgrove, Montgomery, McKnight, Neilson, Nelms, Nesbitt, Newsom, Orr, Ozanne, Phillips, Rainey, Stovall, Stricklin, Stiles, Walker, Watson, Warren, Weir, Woodmansee, Yeoman—43.

Mr. Gibbs moved that members not voting be brought to the bar of the Convention, censured, and forfeit their pay for one day;

Which was carried.

The vote being taken on the motion to strike out, it was lost, by the following vote:

Yeas—Messrs. Alcorn, Ballard, Bonney, Bridges, Chappell, Conley, Dalton, Elliott John, Field, Gaither, Gibbs, Goss, Gray, Howe, Jamison, Lack, Leas, Longmire, Mask, Montgomery, Morgan, Neilson, Nelms, Nesbitt, Orr, Ozanne, Phillips, Quinn, Stovall, Stricklin, Walker, Watson, Warren, Weir, Woodmansee—35.

Nays—Messrs. Alderson, Barry, Beam, Brinson, Caldwell, Castello, Chapman, Clarke, Combash, Cunningham, Drane, Elliott James, Fawn, Fitzhugh, Handy, Hauser, Holland, Hutto, Jacobs, Johnson A., Jones, Lawson, Leonard, Mayson, Musgrove, Moore, Myers, Mygatt, McKee, McKnight, Newsom, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Railsback, Smith, Stewart, Stiles, Stites, Stringer, Toy, Yeoman—43.

Mr. Neilson moved to amend as follows: Strike out the words "one dollar" in the second line, and insert the words "fifty cents."

Mr. Stovall moved to amend by striking out the words "fifty cents," and insert the words "five cents;"

Which was laid on the table.

Mr. Orr moved to amend as follows:

Amend by inserting the words "twenty-five cents" in place of the words "fifty cents;"

Which was laid on the table.

Mr. Clarke moved the previous question;

Which was sustained.

The amendment of Mr. Neilson was adopted.

And section 3 was adopted as amended.

Section 4:

Mr. Chapman moved to amend by inserting after the word "Collectors," in the fourth line, the words "after having taken and subscribed the oath required by Congress for officers of the United States;"

Which was laid on the table.

Mr. Neilson moved to amend as follows:

Strike out the word "three," in twenty-seventh line, and insert thhe word "two;" in thirty-third line, insert the word "ten" and strike out the words "without delay;" in forty-fifth and forty-sixth lines, insert the words "after giving ten days' notice of time and place of sale;"

Which was laid on the table.

Previous question called; call sustained;

And section 4 was adopted as printed.

Section 5:

Mr. Ozanne moved to amend as follows:

After the word "possession," in the seventh line, strike out the words "and shall have power to examine all books and papers of merchants and others;"

Which was laid on the table.

Mr. Stricklin offered to amend as follows:

After the word "power," in the third line, insert the words "and it shall be his duty."

Mr. Gibbs offered to amend as follows:

Insert the word "her" after the word "his," in the fifth line;

Which was carried.

Mr. Neilson offered to amend as follows:

Strike out all after the word "possession," in seventh line, to the word "and," in twelfth line;

Which was laid on the table.

Previous question called call sustained;

And section 5 was adopted as amended.

Section 6 was adopted as printed.

Section 7:

Mr. Gaither offered to amend as follows:

*And provided further*, That if any person shall have paid to the Collector any sum of money as a tax assessed by any former ordinance of this Convention, on any property or subject not taxable by this ordinance, it shall be the duty of such Collector to refund the amount by him so paid to the party so paying the same.

Mr. Orr moved to amend by inserting the words "Treasurer of State," in place of the words "Treasurer of the Convention."

A motion to lay on the table was lost.

The Convention adjourned to meet at 3 o'clock P. M.

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

Quorum present.

The Convention resumed the consideration of section 7, viz: The amendment of Mr. Orr, of Harrison.

Mr. Stricklin moved the previous question, which was sustained.

And the amendment was adopted, by the following vote:

YEAS—Messrs. Alcorn, Ballard, Beam, Brinson, Chapman, Chappell, Clarke, Combash, Conley, Dalton, Elliott John, Elliott James, Fawn, Field, Gaither, Goss, Gray, Howe, Hutto, Jacobs, Jamison, Jones, Lack, Lawson, Leas, Longmire, Mask, Musgrove, Montgomery, Merryman, Myers, Mygatt, McKee, McKnight, Neilson, Nelms, Nesbitt, Ozanne, Parsons J. R., Peyton E. A., Peyton E. G., Phillips, Railsback, Rainey, Smith, Stiles, Stovall, Stricklin, Stites, Toy, Vaughan, Watson, Warren, Woodmansee, Yeoman—55.

NAYS—Messrs. Alderson, Barry, Bonney, Bridges, Caldwell, Castello, Drane, Fitzhugh, Gibbs, Handy, Herbert, Holland, Johnson A., Leonard, Mayson, Moore, Morgan, Newsom, Orr, Parsons F., Quinn, Stewart, Stringer, Weir—24.

And the amendment of Mr. Gaither was adopted.

And section 7 was adopted, as amended.

Section 8:

Mr. Neilson moved to amend the section by striking out the word "five," in the fifth line, and inserting the words "two and a half."

Mr. Chappell moved to amend the section by inserting the words "*ex officio*," in the second line;

Which was laid on the table.

Mr. Woodmansee moved to amend the section by striking out the word "five," in the fifth line, and inserting the words "one and a half;"

Which was laid on the table.

Mr. Orr moved to amend the section by striking out the word "five," and insert the words "three per cent.;"

Which was laid on the table.

Mr. Neilson moved to amend the section by striking out the words "Sheriff and," in the second line, and inserting the word "said;"

Which was carried.

Mr. Musgrove moved to amend by inserting at the end of the section, the words, "and be required to give an additional bond in the sum of five thousand dollars for the faithful discharge of their duties under this ordinance;"

Which was laid on the table.

Mr. Ozanne moved to amend the section by striking out all after the word "received," in the third line, and inserting the words "the same compensation as allowed to collect State taxes;"

Which was laid on the table.

Mr. Musgrove moved to amend by inserting at the end of the section, the words "and be required to give additional bond in the sum of $4,000 for the faithful discharge of their duties, under this ordinance, made payable to the President of this Convention, and to be approved by the Judges of the Probate Courts of the several counties;"

Which was laid on the table.

Mr. Hauser moved the previous question; which was sustained.

And section 8 was adopted, as amended.

Mr. Mygatt moved to suspend the rules to enable the rules to be so changed that the Convention may hold but two sessions daily;

Which was lost.

The Convention adjourned until half-past 7 o'clock P. M.

## NIGHT SESSION.

Convention met pursuant to adjournment.

The consideration of the Tax Ordinance was continued.

Mr. McKee moved to strike out all of the section after the words, "section 9," and insert the following:

Sec. —. *Be it further ordained*, That a special tax of two hundred dollars be and the same is hereby levied, upon the rolling stock, track, and other property of the following named Railroads: New Orleans, Jackson and Great Northern Railroad, the Vicksburg and Meridian Railroad, to be collected at Jackson, Mississippi; and upon the Mississippi Central Railroad, to be collected at Canton, Mississippi; and upon the Mobile and Ohio Railroad, to be collected at Columbus, Mississippi; and upon the Mississippi and Tennessee Railroad, to be collected at Grenada, Mississippi.

That a special tax of fifty dollars is hereby levied, upon the Meridian and Selma Railroad, to be collected at Meridian, Mississippi.

That a special tax of fifty dollars be assessed on the Memphis and Charleston Railroad, to be collected at Corinth, Mississippi.

That a special tax of fifty dollars be and the same is hereby levied, upon the West Feliciana Railroad, to be collected at Woodville, Mississippi.

That a special tax of ten dollars is hereby levied, upon the Grand Gulf and Port Gibson Railroad, to be colledted at Port Gibson, Mississippi.

Mr, Stiles moved to strike out so much as relates to the Grand Gulf and Port Gibson, and West Feliciana Railroads;

Which was laid on the table.

Mr. Stiles moved to strike out so much as relates to the Port Gibson and Grand Gulf Railroad;

Which was laid on the table.

Mr. Barry moved to reduce all Railroads assessed $200, to 100;

Which was lost.

Mr. Barry moved to reduce the tax on the Mississippi Central Railroad, from $200 to $100; which was lost.

And the amendment of Mr. McKee was lost.

Mr. Neilson moved to strike out the section;

Which was lost.

Mr. Neilson moved to strike out all after the word "county," in the twenty-second line, to the word "up," in the twenty-fourth line;

Which was laid on the table.

Mr. Barry moved to reduce the tax on the Mississippi Central Railroad, to $125;

Which was laid on the table.

Mr. Warren moved the previous question;

Which was sustained.

And section 9 was adopted, as amended.

Section 10 was adopted, as printed.

Section 11:

Mr. Barry moved to strike out "Sheriff or," in the sixth line, and insert "said;"

Which was carried.

Section 11 was adopted, as amended.

Section 12:

Mr. Herbert moved to strike out "Sheriffs or," in second line, and insert "said;"

Which was carried.

And section 12 was adopted, as amended.

Section 13:

A motion was made to strike out section 13;

Which was carried.

Section 14:

A motion was made to strike out section 14;

Which was carried.

Section 15:

Mr. Neilson moved to amend as follows:

Insert, after the word "warrants," in seventh line, the words "issued by the Auditor of Public Accounts of the State of Mississippi, upon certificates," and by striking out the word "opportunity," in the fifteenth line, and inserting the word "in," and by inserting after the word "office," in the fifteenth line, the words "relating to this Convention," and add to the eighth line, the words "of this Convention."

Mr. Orr moved to amend as follows:

Insert "State," before the word "Treasurer."

A motion was made to amend as follows:

After "the," in second line, add "State," and after "Treasurer," add "so called." In fifteenth line, after "papers," strike out "appertaining," and add "in his office, appertaining to this Ordinance;

Which was lost.

Mr. Neilson moved the previous question;

Which was sustained.

And the amendment of Mr. Neilson was adopted.

And section 15 was adopted as amended.

Mr. McKee moved to refer back the balance of the report to the committee on Finance, with instructions to report at three o'clock, P. M., to-morrow.

A motion to table the motion of Mr. McKee, was lost.

A motion to adjourn, was lost.

And the motion of Mr. McKee was carried.

A motion to adjourn was lost.

Mr. Morgan moved to take up the resolution of Mr. Holland, offered yesterday;

Which was carried.

Mr. Stringer moved its adoption;

Which was carried, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Barry, Bonney, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Drane, Fawn, Field, Fitzhugh, Gibbs, Hauser, Herbert, Holland, Howe, Hutto, Jacobs, Johnson A., Lawson, Leas, Leonard, Mayson, Musgrove, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Ozanne, Parsons J. R., Railsback, Stewart, Stovall, Stringer, Toy, Warren, Woodmansee, Yeoman—44.

NAYS—Messrs. Elliott John, Elliott James, Gray, Longmire, Montgomery, Neilson, Nesbitt, Phillips, Smith, Stiles—10.

Mr. Morgan moved that the Secretary be instructed to telegraph the adoption of the resolution of Mr. Holland to Washington immediately;

Which was carried.

The Convention adjourned to meet to-morrow at 10 o'clock.

T. P. SEARS,
*Secretary.*

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## FORTY-FIFTH DAY.

JACKSON, MISS., Thursday, February 27th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Cunningham, Conley, Dalton, Drane, Elliott John, Elliott James, Fawn, Field, Fitzhugh, Gaither, Gibbs, Goss, Gray, Handy, Herbert, Howe, Hutto, Jacobs, Jamison, Johnson A., Jones, Lack, Lawson, Leas, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Merryman, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Neilson, Nelms, Nesbitt, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Phillips, Railsback, Rainey, Smith, Stewart, Stites, Stovall, Stricklin, Stringer, Stiles, Toy, Vaughan, Walker, Watson, Warren, Weir, Woodmansee, and Yeoman—79.

The following delegates were absent:

Messrs. Collins, Compton, Dowd, Hauser, Hemmingway, Holland, Johnson S., Kerr, Miles, McCutchen, Powell, Quinn, Richardson, Townsend, Williams—15.

Leaves of absence were granted the following named delegates, for the period affixed to their names:

To Mr. Holland, for eight days; to Mr. Howe, for five days; and to Mr. Jones for seven days.

The Committee on Contingent Expenses made the following report:

MR. PRESIDENT—Your Committee on Contingent Expenses would respectfully report that the bill hereto annexed, referred to them for examination, has been found correct, and recommend that the same be allowed.

Respectfully,
U. Ozanne, *Chairman.*
S. C. Conley,
W. H. Gibbs,
J. Railsback,
J. C. Brinson,
*Committee.*

*Mississippi State Convention,*
*To Taswell Jones,* Dr.

| | |
|---|---|
| For services rendered as Wood Chopper, sixteen days at $2 50 per day | $40 00 |

Report received and bill allowed.

The Convention proceeded to the consideration of the Bill of Rights.

And section 29 was adopted as printed.

Section 30 was adopted as printed.

And section 31 was adopted as printed.

Section 32:

The following amendment was offered at the conclusion of the section:

"To guard against transgressions of the high powers herein enumerated, we declare that everything in this article is excepted out of the general powers of Government, and shall ever remain inviolate; and that all laws contrary thereto or to the following provisions be void."

And section 32 was adopted as amended.

Section 19, as amended, was taken up for consideration.

Mr. Castello moved the previous question;

Which was sustained.

And the section as amended, was adopted, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Conley, Cunningham, Drane, Elliott John, Elliott James, Fitzhugh, Gibbs, Handy, Hauser, Howe, Hutto, Jacobs, Johnson A., Jones, Lawson, Leonard, Mayson, Musgrove, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Newsom, Ozanne, Parsons J. R., Peyton E. A., Peyton E. G., Quinn, Railsback, Smith, Stewart, Stites, Stringer, Stiles, Toy, Warren, Weir, and Yeoman—52.

Nays—Messrs. Dalton, Field, Gaither, Goss, Gray, Herbert, Lack, Longmire, Mask, Montgomery, Merryman, Neilson, Nelms, Nesbitt, Phillips, Rainey, Stovall, Walker, and Watson—19.

Mr. McKee moved to reconsider the vote adopting the section.

Mr. Clarke moved that Mr. McKee have leave to withdraw his motion.

The Convention adjourned to meet at 3 o'clock p. m.

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

Quorum present.

Leaves of absence were granted to Mr. Stricklin for ten days; and to Mr. Nelms for ten days.

The Finance Committee presented an additional report, as follows:

*To the Hon. President and Members of the Convention*:

Your Finance Committee would respectfully recommend that section 6, passed on yesterday upon its second reading, be changed to read as follows:

*Be it further ordained*, That all warrants issued by authority of this Convention (and none others), and currency of the United States, shall be received by the several Sheriffs and Tax Collectors, in payment of the tax herein assessed, and when said Collectors shall have funds on hand, collected under and by virtue of this ordinance, and any person having the warrants of this Convention, may present the same to said Sheriffs, or Tax Collectors, who shall redeem the same at their face value.

Your Committee would, also, respectfully report the following additional sections, to be engrafted in said tax ordinance:

SEC. 13. *Be it further ordained*, That the State Treasurer shall receive the warrants issued by authority of this Convention, from all Tax Collectors herein appointed, upon the tax collected under and by virtue of this ordinance, and shall redeem said warrants when in funds, as aforesaid, from any person who may present the same to him for redemption, and all warrants so received by said Treasurer, shall be canceled as now provided by law.

SEC. 14. *Be it further ordained*, That all warrants issued by authority of this Convention, signed by the President and countersigned by the Secretary, prior to the 1st day of March, 1868, shall be received by all Tax Collectors, in payment of the taxes herein assessed, and shall be redeemed by said Collectors or by the State Treasurer, as provided herein.

SEC. 5. *Be it further ordained*, That the President of this Convention shall, on the first day of March next, or as soon thereafter as practicable, furnish to the Treasurer, a detailed statement of all warrants issued by him under and by authority of this Convention, including the date, amount of each, and numbers up to the first day of March, 1868.

SEC. 16. *Be it further ordained*, That after the first day of March, 1868, the Auditor of this State, shall issue warrants in payment of all expense, of this Convention, upon accounts when presented to him audited by the Auditor of this Convention, signed by the President, and countersigned by the Secretary; each warrant so issued, shall have written or printed upon its face the words, "Constitutional Convention."

SEC. 17. *Be it further ordained*, That any Sheriff who shall collect any State or county tax, after the receipt of a copy of this ordinance, without collecting the additional tax herein assessed, shall be deemed guilty of a misdemeanor; shall be tried as now provided by law, and upon conviction, be imprisoned for a term not less than one, nor more than five years.

SEC. 18. *Be it further ordained*, That any Sheriff, Tax Collector, or State Treasurer, who shall substitute or attempt to sustitute any warrants, in place of any funds in his hands, collected by virtue of this ordinance, except in due course of redemption, shall be deemed guilty a of misdemeanor, and shall be tried and upon conviction, shall be punished as provided in the foregoing section.

SEC. 19. *Be it further ordained*, That it shall be the duty of the Auditor of this State to furnish each Sheriff with a copy of this ordinance, immediately after its passage, with all blanks necessary to carry the same into effect.

SEC. 20. *Be it further ordained*, That if any moneys shall remain in the hands of the Treasurer after paying the expenses of this Convention, they shall be invested in United States securities, at the market value, which securities shall be held subject to the order of the next Legislature at its first meeting; *Provided*, If this Convention shall be again called together, in that case, the securities shall be held subject to the order of the Convention.

SEC. 21. *Be it further ordained*, That any Tax Collector, Treasurer or other officer appointed by this Convention or in accordance with this ordinance, who shall embezzle or fraudulently use, loan, convert or attempt to convert any of the said funds herein authorized to be collected, to his own use, or apply them in any manner not herein provided for, shall be deemed guilty of embezzlement, and shall be prosecuted in any court in this State having competent jurisdiction, and upon conviction, shall be fined and imprisoned as now provided by law.

SEC. 22. *Be it further ordained*, That an ordinance providing for the levy and collection of a tax to defray the expenses of the Constitutional Conventional of the State of Mississippi, passed February 19, 1868, be and the same is hereby repealed.

FRED. PARSONS,
*Chairman.*

The rules were suspended and the Convention proceeded to consider the report by sections.

Mr. Neilson moved to reconsider the vote adopting section 6, taken yesterday;

Which was carried.

And the amendment to section 6, as reported by the committee, was adopted.

Section 13:

Mr. Clarke moved to strike out the word "acting," in the section;

Which was carried.

Mr. Morgan moved to add the word "provisional," before the word "Treasurer;"

Which was laid on the table.

And section 13 was adopted as amended.

Section 14:

Mr. Clarke moved to strike out the word "acting," where it occurs before the word "Treasurer," in the ordinance.

A motion to lay on the table was lost.

Mr. McKee moved to insert the word "provisional," and strike out the word "acting;"

Which was laid on the table.

And the amendment of Mr. Clarke was adopted.

And section 14 was adopted as amended.

Section 15 was adopted as amended.

Section 16:

Mr. Phillips moved to strike out the words "Auditor of this Convention."

Mr. Castello moved to lay the motion on the table;

Which was carried.

Mr. Castello moved the previous question;

Which was sustained.

And section 16 was adopted, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Clarke, Combash, Fawn, Fitzhugh, Gibbs, Hauser, Herbert, Howe, Jacobs, Johnson A., Jones, Lawson, Leas, Leonard, Mayson, Musgrove, Moore, Myers, McKee, McKnight, Neilson, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. G., Quinn, Railsback, Smith, Stewart, Stites, Stringer, Toy, Warren, Woodmansee, and Yeoman—45.

NAYS—Messrs. Barry, Beam, Chappell, Conley, Dalton, Elliott John, Elliott James, Gaither, Goss, Gray, Handy, Hutto, Lack, Longmire, Mask, Montgomery, Merryman, Morgan, Nelms, Nesbitt, Phillips, Rainey, Stovall, Stiles, Vaughan, Walker, Watson, and Weir—28.

Mr. Neilson moved to reconsider the vote just taken;

Which was laid on the table.

Section 17 was adopted.

Section 18 was adopted.

Section 19 was adopted.

Section 20 was adopted.

Section 21:

Mr. Neilson moved to insert after the word "Treasurer," the words "and other officer," and strike out the word "or" before the words "Treasurer and Sheriff," in the second line, and strike out the seventeenth and eighteenth lines.

Mr. Barry offered the following amendment:

Strike out, in the 4th line, "Convention," and insert the words, "by order of General Alvin C. Gillem;"

Which was laid on the table.

Mr. McKee moved to add after the word "Convention," in the 4th line the words, "or in accordance with this ordinance;"

Which was carried.

Mr. Barry moved to amend as follows:

Strike out in the 4th line, the words "Convention," and add the words "by order of Alvin C. Gillem;"

Which was laid on the table.

The previous question was called; call sustained.

And the amendment of Mr. Neilson was adopted.

And section 21 was adopted, as amended.

Section 22 was adopted as read.

Section 23 was offered as an additional section, by Mr. Neilson:

*Be it further ordnined*, That the Treasurer of the State shall be the Treasurer of this Convention for such time as may be necessary to carry out the provisions of this ordinance. He shall give bond payable to the State of Mississippi, in the penalty of thirty thousand dollars, with three or more securities, to be approved by the President of this Convention, conditioned that he will receive, safely keep, and disburse according to law, all sums of money which may come into his hands under this ordinance, and that he will, in all things, faithfully discharge his duties as Treasurer as aforesaid; and as a compepnsation for so doing, the said Treasurer shall receive one-half of one per cent. on such sums of money as he may disburse; and that the Auditor, for the services performed by him under the provisions of this ordinance, receive as compensation, five hundred dollars.

A motion to lay on the table was carried.

Mr. Morgan offered the following:

Strike out all after section 23, and insert:

*Be it further ordained*, That any and all officers of the State of Mississippi, upon whom power or authority is conferred under and by virtue of this ordinance, be, and the same are hereby declared provisional only, and the said power or authority is at all times subject to be modified or repealed altogether by the power conferring the same.

Mr. Castello offered the following:

*Provided*, That in case the State Treasurer refuse to enter into said bonds, the Treasurer heretofore elected be continued as Treasurer of this Convention.

A motion to lay the above on the table was lost, and the resolution of Mr. Castello was lost.

And the amendment of Mr. Morgan was adopted.

Mr. McKee moved to strike out all after the word "provisional."

Mr. Parsons, of Adams, moved to postpone indefinitely the further consideration of the matter.

Mr. Orr moved to lay the resolution of Mr. Parsons on the the table;

Which was carried.

Mr. McKee moved that he be allowed to withdraw his amendment.

A motion to adjourn was lost.

And the motion of Mr. McKee to be permitted to withdraw his amendment, was carried.

A motion to adjourn was lost.

Mr. Warren moved the previous question, which was sustained;

And section 3 as amended, was adopted, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Barry, Beam, Bridges, Brinson, Caldwell, Chapman, Chappell, Clarke, Combash, Elliott John, Fawn, Fitzhugh, Gibbs, Goss, Handy, Johnson A., Leas, Leonard, Mayson, Musgrove, Moore, Myers, McKee, Nesbitt, Newsom, Orr, Railsback, Smith, Stewart, Stites, Stringer, Toy, Warren, Weir, Woodmansee, Yeoman—38.

Nays—Messrs. Bonney, Castello, Conley, Elliott James, Gaither, Hauser, Howe, Jacobs, Lack, Lawson, Mask, Montgomery, Neilson, Ozanne, Parsons F., Parsons J. R., Peyton E. G., Phillips, Stovall, Stiles—21.

Mr. Orr offered the following as an additional section:

Section. 24. *Be it further ordained*, That all tax receipts, and other necessary blanks to carry into effect the provisions of this ordinance, shall be printed by the Official Printer of this Convention.

Which was adopted.

Mr. Conley moved that the rules be suspended, and that the ordinance pass to its third reading by its title;

Which was carried.

A motion to adjourn was lost.

And the ordinance passed its third reading.

Mr. Clarke moved that a committee of two be appointed to submit the bill to General Gillem, and ask him to issue a general order to enforce it.

Mr. Musgrove moved to amend by making the committee one;

Which was lost.

And the motion of Mr. Clarke was adopted.

Mr. Gibbs moved to suspend the rules for the purpose of introducing a resolution to change the rules in regard to three sessions daily;

Which was lost.

Convention adjourned until half-past seven.

## NIGHT SESSION.

Convention met pursuant to adjournment.

No quorum present.

Convention adjourned until to-morrow morning 10 o'clock.

T. P. Sears,
*Secretary.*

## FORTY-SIXTH DAY.

JACKSON, MISS., Friday, February 28th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Conley, Cunningham, Dalton, Drane, Elliott John, Elliott Jas., Fawn, Field, Fitzhugh, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Herbert, Howe, Hutto, Jacobs, Johnson A., Lack, Lawson, Leas, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Moore, Myers, Mygatt, McKnight, Neilson, Nesbitt, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. G., Phillips, Quinn, Railsback, Rainey, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Vaughan, Walker, Warren, Weir, Williams, Woodmansee, and Yeoman—73.

The following delegates were absent:

Messrs. Alcorn, Collins, Compton, Dowd, Hemmingway, Holland, Jamison, Johnson S., Jones, Kerr, Miles, Merryman, Morgan, McCutchen, McKee, Nelms, Peyton E. A., Powell, Richardson, Stricklin, Townsend, and Watson—22.

Journal of yesterday read and approved.

Leave of absence was granted to Mr. Morgan for two days; Mr. Montgomery for eight days; Mr. Mask for eight days; Mr. John Elliott for ten days; Mr. Watson for ten days; Mr. Neilson for thirty days; Mr. E A. Peyton for five days,

Mr. Neilson desired to state to the Convention, that during his absence he should ask no pay, and waive all right to the same.

The Committee on General Provisions reported progress.

Mr. Miles offered the following:

WHEREAS, A resolution was introduced in this Convention in January last, empowering the Finance Committeeto inquire what disposition had been made by the State officers of the charity funds entrusted to them; and

*Whereas,* Said committee have corresponded with said State officers, and have received their reports; and

*Whereas,* Said committee having a vast amount of business on their hands, are unable now, if they were willing, to make a report on said resolution; and

*Whereas,* By said resolution, the State officers are charged by way of innuendo with having made an improper distribution of said funds, and in justice to them the matter should be investigated; therefore, be it

*Resolved,* That a Special Committee of three be appointed by the President, to investigate the matter set forth in said resolution, and that said committee report at 7:30 to-night;

Which resolution was laid on the table.

Mr. Conley moved to suspend the rules so as to take up the Bill of Rights;

Which was carried.

Section 1:

Mr. Mygatt moved to strike out in the eighth, ninth, and tenth lines the words "possessing equal civil and political rights and public privileges;"

Which was carried.

Section 1 was adopted as printed.

Mr. Mygatt moved to take up the 22d section for consideration;

Which was lost.

Mr. Orr moved to take up section 16.

Mr. Hauser moved to table;

Which was carried.

Mr. Alcorn moved to suspend the rules to receive account from the *Clarion;*

Which was carried.

JACKSON, MISS., February 28, 1868.

*Mississippi State Convention,*

*To the Clarion office.* DR.

| | |
|---|---|
| To 100 papers first four days of session, at 7 cents per copy | $ 28 00 |
| To 200 paper each day for seven weeks | 588 00 |
| Ending February 29, 1868 | $616 00 |

I certify that the above account is correct, and that the papers were received and distributed by me to the members of the Convention.

NELSON G. GILL,
*Sergeant-at-Arms.*

Referred to committee on Contingent Expenses.

Convention resumed the consideration of the Bill of Rights.

Mr. Alderson offered the following, as an additional section:

SECTION 24. No religious test as a qualification for office shall ever be required, and no preference shall ever be given by law to any religious sect or mode of worship; but the free enjoyment of all religious sentiments, and the different modes of worship shall ever be held sacred: *Provided,* The rights hereby secured, shall not be construed to justify acts of licentiousness injurious to morals, or dangerous to the peace and safety of the State.

A motion to lay on the table was lost.

And the amendment of Mr. Alderson was adopted.

And section 24 was adopted.

Mr. Conley offered the following, as an additional section:

SECTION 16. No person shall ever be elected or appointed to any office in this State for life, or during good behavior; but the tenure of offices shall be for some specified period, if the persons appointed or elected thereto, shall so long properly conduct themselves.

A motion to table was lost.

And the section was adopted.

The following was offered by Mr. Conley, as an additional section:

SECTION 30. No person shall be debarred from prosecuting or defending any civil cause for, or against him, or herself, before any tribunal in this State by him or herself, or counsel, or both.

Which was adopted.

The following was offered by Mr. Conley, as an additional section:

SECTION 33. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the land or naval forces, or the militia when in actual service, or by leave of the court for misdemeanor in office; *Provided*, That the Legislature in cases of petit larceny, assaults, assaults and battery, affrays, riots, unlawful assembly, drunkenness, vagrancy, and other misdemeanors of like character, may dispense with an inquest of a grand jury, and may authorize prosecutions before Justices of the Peace, or such other inferior court or courts as may be established by the Legislature, and the proceedings in such cases shall be regulated by law.

Which was adopted.

Mr. Barry offered the following as an additional section:

SECTION 22. Capital punishment shall not be inflicted for any crime known to the laws of this State, but in lieu thereof the person or persons convicted shall be imprisoned for a term of years to be prescribed by law, or for life, at the discretion of the court.

The Convention adjourned until 3 o'clock.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

Quorum present.

Leaves of absence were granted to Mr. Beam for five days; to Mr. Gray for ten days.

The Convention resumed the consideration of the Bill of Rights.

The section proposed by Mr. Barry, being the unfinished business of the forenoon, came up for action.

Mr. Fitzhugh moved the previous question;

Which was not sustained.

The Convention adjourned until half-past 7 o'clock.

## NIGHT SESSION.

Convention met pursuant to adjournment.

Quorum present.

Mr. Cunningham moved that the rules be suspended to enable him to introduce a resolution;

Which was lost.

Mr. Clarke moved to suspend the rules and proceed to consider the resolution of Mr. Barry, offered this day;

Which was lost.

Mr. Alderson offered the following:

WHEREAS, A committee of this Convention, appointed to investigate charges made against R. C. Merryman, delegate from the county of Lauderdale, reported facts sustaining said charges; and

*Whereas*, No final action has been had on said report; and

*Whereas*, The said R. C. Merryman has committed further grave offenses against this Convention by a slanderous publication made in the *Jackson Clarion* of the 27th instant, insinuating corruption against the members of this Convention for the course they took in the accusation made and sustained against him, the said Merryman, by the committee appointed to investigate and report on said charges; therefore, be it

*Resolved*, That said report be referred back to said committee for further action thereon, and that they be directed to investigate the facts in said publication and report to this Convention as soon as convenient, what action should be taken, and that they have power to call for witnesses, papers, or whatever they need.

Which was adopted.

Mr. Gibbs offered the following:

*Resolved*, That so much of the rules as require a night session, be and the same are hereby repealed.

Mr. Cunningham moved to amend as follows:

And that on to-morrow the Convention have but one session.

A motion to lay on the table was lost.

Mr. Chapman moved the previous question;

Which was not sustained.

Mr. Alderson moved to suspend the rules, to consider the Bill of Rights.

Mr. Parsons, of Adams, offered the following:

WHEREAS, the honorable member from Harrison, Mr. Orr, refused to vote upon a question before the Convention, after his name had been called, and after the President had told him that he must vote under the rules of the Convention; therefore, be it

*Resolved*, That he be reprimanded by the President for contempt in so refusing to obey the rules.

The Convention adjourned until to-morrow morning at 9 o'clock.

T. P. SEARS,
*Secretary.*

## FORTY-SEVENTH DAY.

JACKSON, MISS., Saturday, February 29th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Ballard, Barry, Bonney Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke Conley, Cunningham, Combash, Dalton, Fawn, Field, Fitzhugh, Gaither, Gibbs, Goss, Handy, Hutto, Jacobs, Johnson A., Lack, Lawson, Leonard, Longmire, Musgrove, Moore, Myers, Mygatt, McKnight, Neilson, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Phillips, Railsback, Rainey, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Vaughan, Walker, Weir, Williams, Woodmansee, and Yeoman—57.

The following delegates were absent:

Messrs. Alcorn, Collins, Compton, Dowd, Elliott James, Gray, Hemmingway, Herbert, Holland, Howe, Jamison, Johnson S., Jones, Kerr, Leas, Mayson, Mask, Montgomery, Miles, Merryman, Morgan, McCutchen, McKee, Nelms, Peyton E. A., Peyton E. G., Powell, Quinn, Richardson, Stricklin, Townsend, and Watson—32.

Journal of yesterday read and approved.

Leaves of absence were granted to Mr.Drane for one day; to Mr. Caldwell for one day.

Mr. Woodmansee moved a suspension of the rules to permit him to present a resolution;

Which was lost.

Standing committees reported as follows:

Committee on General Provisions reported progress.

Committee on Enrollment presented the following report:

MR. PRESIDENT: Your committe on Enrollment having examined a tax ordinance passed by this Convention February 27, 1868, have instructed me to report that they find the same correctly enrolled, and ask that said ordinance be made part of the proceedings of the day.

JAMES WEIR,
*Chairman.*

Report received, and the rules were suspended to take action thereon.

And after discussion had upon the same, the report was accepted and agreed to.

The committee on County Boundaries submitted a report, and on motion of Mr. Barry, it was recommitted to the committee to enable them to make a final report.

The following resignation was received:

SECRETARY'S OFFICE, February 29, 1868.

*To the Honorable President and Members of the Constitutional Convention:*

GENTLEMEN—Circumstances compel me to resign my position as Reading Clerk of this Convention, and I respectfully ask that my resignation be accepted by your honorable body.

H. C. POWERS.

Resignation accepted.

The section introduced by Mr. Barry to be incorporated in the Bill of Rights was taken up for consideration.

Mr. Castello, of Adams, moved to amend as follows:

Strike out all after the word "law," and insert, the words "except for murder in the first degree, rape and arson."

Mr. Newsom moved to amend by adding the words "horse stealing, and all executions shall be made public;"

Which was laid on the table.

Mr. Barry moved to table the amendment of Mr. Castello;

Which was lost.

Mr. Castello moved the previous question, which was sustained;

And his amendment was adopted, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Ballard, Barry, Bridges, Brinson, Caldwell, Castello, Conley, Cunningham, Dalton, Fawn, Fitzhugh, Gibbs, Handy, Hutto, Jacobs, Lack, Lawson, Leonard, Longmire, Musgrove, Moore, Myers, McKnight, Neilson, Phillips, Quinn, Rainey, Smith, Stewart, Stovall, Stiles, Toy, Vaughan, Walker, Warren, Weir, Woodmansee—39.

NAYS—Messrs. Bonney, Chappell, Clarke, Combash, Goss, Mygatt, Nesbitt, Newsom, Orr, Ozanne, Railsback, Stites, Stringer, Yeoman—14.

And the section was adopted as amended, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Ballard, Bridges, Caldwell, Castello, Chapman, Conley, Cunningham, Dalton, Fawn, Gibbs, Herbert, Hutto, Jacobs, Lack, Lawson, Longmire, Musgrove, Neilson, Parsons F., Phillips, Rainey, Smith, Stovall, Stiles, Toy, Vaughan, Walker, Weir, Woodmansee—31.

NAYS—Messrs. Barry, Bonney, Brinson, Clarke, Combash, Elliott James, Fitzhugh, Goss, Handy, Hauser, Johnson A., Leonard, Moore, Myers, Mygatt, Newsom, Orr, Ozanne, Parsons J. R., Railsback, Stewart, Stites, Stringer, Warren, Yeoman—25.

Mr. C. W. Loomis was appointed by the President as Reading Clerk, in the place of H. C. Powers, resigned.

Mr. Alderson moved to reconsider the vote just taken, adopting the section as amended.

Mr. Castello moved the previous question;

Which was sustained.

Mr. Nelms moved to indefinitely postpone;

And on that motion, moved the previous question;

Which was sustained.

And the motion of Mr. Nelms was adopted, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Bonney, Brinson, Castello, Chappell, Clarke, Conley, Cunningham, Dalton, Field, Fitzhugh, Gaither, Gibbs, Goss, Handy, Hauser, Herbert, Hutto, Johnson A., Lack, Lawson, Leonard, Mayson, Musgrove, Myers, Mygatt, Neilson, Parsons F., Parsons J. R., Phillips, Railsback, Rainey, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Walker, Warren, Woodmansee, Yeoman—45.

Nays—Messrs. Barry, Chapman, Longmire, McKnight, Nesbitt, Orr, Ozanne, Quinn, Vaughan, Weir—10.

Mr. Herbert, under the rules, was fined the per diem of one day for not voting.

The Convention resumed the consideration of the Bill of Rights.

Mr. Brinson snbmitted the following, as an additional section.

Section—. All courts shall be open, and every person for an injury done him, in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered, without sale, denial, or delay.

The rules were suspended, and Convention adjourned until Monday morning at 10 o'clock.

T. P. Sears,
*Secretary.*

## FORTY-EIGHTH DAY.

Jackson, Miss., Monday, March 2d, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Ballard, Barry, Bonney, Brinson, Castello, Caldwell, Chapman, Chappell, Clarke, Combash, Compton, Conely, Cunningham, Dalton, Drane, Elliott James, Field, Fitzhugh, Gaither, Gibbs, Goss, Handy, Hauser, Herbert, Hutto, Jacobs, Lack, Lawson, Leas, Leonard, Longmire, Mayson, Musgrove, Moore, Morgan, Myers, Mygatt, McKnight, Nesbitt, Newsom, Orr, Ozanne, Peyton E. G., Parsons F., Parsons J. R., Phillips, Quinn, Railsback, Rainey, Smith, Stewart, Stiles, Stovall, Stringer, Stites, Toy, Vaughan, Walker, Williams, Weir, Woodmansee, Yeoman—64.

The following delegates were absent:

Messrs. Alcorn, Beam, Bridges, Collins, Dowd, Elliott John, Fawn, Gray, Hemmingway, Holland, Howe, Jamison, Johnson

S., Johnson A., Jones, Kerr, Mask, Montgomery, Merryman, McCutchen, McKee, Neilson, Nelms, Peyton E. A., Powell, Richardson Stricklin, Townsend, Watson—29.

Journal of Saturday read and approved.

Mr. Townsend's leave of absence was extended until Thursday next, March 5, 1868.

Mr. A. Johnson, was granted a leave of absence for two days; Mr. Fawn, for four days; Mr. Orr, for ten days, commencing the 4th of March.

Mr. Gibbs moved that the Convention do now proceed to the further consideration of the Bill of Rights.

The Section introduced by Mr. Brinson, on Saturday, pending the discussion of which, the Convention adjourned, was taken up.

And the section was adopted.

Mr. Alderson offered the following:

"No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; or in time of war, but in a manner to be prescribed by law;"

Which was lost.

Mr. Woodmansee offered the following:

The death penalty shall not be inflicted for any crime known to our laws, except for murder in the first degree;

Which was laid on the table.

Mr. Clarke offered the following:

When the public good requires it, which shall be determined by law, sites for educational purposes shall be granted by the owner or owners of lands, and they shall accept the award of three commisssioners, whose appointment shall be determined by law.

Mr. Woodmansee moved to lay on the table;

Which was lost, by the following vote:

YEAS—Messrs. Alderson, Chapman, Compton, Conley, Dalton, Elliott James, Field, Gaither, Gibbs, Goss, Hauser, Hutto, Lack, Lawson, Longmire, McKnight, Nesbitt, Ozanne, Phillips, Rainey, Smith, Stovall, Stiles, Vaughan, Walker, and Woodmansee—26.

NAYS--Messrs. Ballard, Barry, Bonney, Bridges, Castello, Clarke, Drane, Fitzhugh, Handy, Jacobs, Leonard, Mayson, Musgrove, Moore, Myers, Mygatt, Newsom, Orr, Parsons F., Parsons J. R., Peyton E. G., Railsback, Stewart, Stites, Stringer, Toy, Warren, Williams, Yeoman—29.

The previous question was called; call sustained.

And the amendment of Mr. Clarke was lost, by the following vote:

YEAS—Messrs. Ballard, Bonney, Chapman, Clarke, Drane, Fitzhugh, Handy, Lawson, Leonard, Mayson, Musgrove, Moore, Myers, Mygatt, Newsom, Orr, Railsback, Stewart, Stites, Stringer, Warren—21.

NAYS—Messrs. Alderson, Barry, Bridges, Castello, Chappell, Compton, Conley, Cunningham, Dalton, Elliott James, Field, Gaither, Gibbs, Goss, Hauser, Hutto, Jacobs, Lack, Longmire, McKnight, Nesbitt, Ozanne, Parsons F., Parsons J. R., Peyton E. G., Phillips, Quinn, Rainey, Smith, Stovall, Stiles, Toy, Vaughan, Walker, Weir, Williams, Woodmansee, Yeoman—38.

Mr. Parsons, of Adams, offered the following resolution:

*Resolved*, That the Secretary be authorized and instructed to furnish the Official Printer with a copy of the Bill of Rights, as amended and passed upon its second reading, and that one hundred copies of the same be printed for the use of the Convention.

Which was adopted.

Mr. Gibbs moved that the rules be suspended in order that a motion to reconsider the vote adopting section 1, as printed, might be made.

Mr. Clarke moved to add section 26 to the motion of Mr. Gibbs;

Which was lost.

And the motion of Mr. Gibbs was carried, by the following vote:

Yeas—Messrs. Alderson, Barry, Bonney, Bridges, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Compton, Conley, Cunningham, Drane, Field, Fitzhugh, Gaither, Gibbs, Goss, Handy Hauser, Herbert, Hutto, Jacobs, Lack, Lawson, Mayson, Musgrove, Moore, Myers, McKee, Nesbitt, Newsom, Ozanne, Parsons F., Peyton E. G., Phillips, Railsback, Rainey, Smith, Stewart, Stites, Stovall, Stiles, Toy, Vaughan, Walker, Warren, Weir, Williams, Woodmansee, and Yeoman—52.

Nays—Messrs. Ballard, Dalton, Elliott James, Mygatt, and Parsons J. R.—5.

And the vote adopting the first section being reconsidered,

Mr. Parsons, of Adams, moved to amend section 1 as follows:

Strike out all after the word "naturalized," in third line, to the word "are," in sixth line; strike out all after the word "Mississippi," in seventh and eighth lines.

Mr. Field offered the following:

Insert the words "for twelve months" after the word "resident."

Mr. Castello moved to table;

Which was carried, by the following vote:

Yeas—Messrs. Alderson, Barry, Bonney, Brinson, Caldwell, Castello, Chappell, Drane, Fitzhugh, Gibbs, Hauser, Jacobs, Lawson, Leas, Leonard, Mayson, Musgrove, Moore, Myers, Mygatt, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton E. G., Quinn, Railsback, Stringer, Toy, Warren, Williams, Woodmansee, and Yeoman—33.

Nays—Messrs. Bridges, Chapman, Clarke, Combash, Compton, Conley, Cunningham, Dalton, Elliott James, Field, Gaither, Goss, Hutto, Lack, Longmire, McKee, McKnight, Nesbitt, Phillips, Rainey, Smith, Stewart, Stites, Stovall, Stiles, Vaughan, Walker, Weir—28.

Mr. Alderson moved to amend section 1 as follows:

All persons born or naturalized in the United States, and citizens thereof, or who shall have declared their intention to become such, without regard to race or color, residents in this State, shall be deemed citizens thereof, and entitled to all the civil and religious rights and privileges due to any one under this Constitution;

Which was laid on the table.

Mr. Herbert moved to amend section 1 as follows:

Amend by striking out the words "all persons," and inserting the following: "All men twenty-one years old, being citizens of the United States, and residents of this State for twelve months, are hereby declared to be citizens of the State of Mississippi, entitled to the enjoyment of all and every political and public privilege which each member of the community has a right to hold and enjoy; *Provided*, That no man shall be entitled to vote at the ballot-box who shall have been guilty of treason or other felony.

Which was laid on the table.

Mr. Castello moved the previous question;

Which was sustained.

And the amendment of Mr. Parsons was adopted.

And section 1, as amended, was adopted, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Bonney, Brinson, Caldwell, Castello, Chapman, Clarke, Cunningham, Drane, Elliott James, Fitzhugh, Gibbs, Goss, Handy, Hauser, Jacobs, Lawson, Leas, Leonard, Mayson, Musgrove, Moore, Myers, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. G., Railsback, Stewart, Stites, Stringer, Toy, Vaughan, Warren, Williams, Woodmansee, and Yeoman—40.

Nays—Messrs. Bridges, Compton, Conley, Dalton, Field, Gaither, Herbert, Hutto, Lack, Longmire, McKnight, Nesbitt, Phillips, Rainey, Smith, Stovall, Stiles, and Weir—18.

Mr. Parsons, of Adams, moved to suspend the rules to further consider section 26;

Which was carried.

Mr. Parsons, of Adams, moved to reconsider the vote adopting section 26;

Which was carried.

And section 26 being before the Convention for consideration, Mr. Gibbs moved to strike out all after the word "between," in second line, and insert the words "foreigners who are now, or may hereafter become actual residents in the State, and shall be secured in the same rights in respect to the acquisition, possession and descent of property as are secured to native born or naturalized citizens;"

Which was laid on the table.

Mr. Alderson moved to amend as follows:

"No distinction shall ever be made between citizens and foreigners permanently located in this State in reference to the enjoyment and descent of property;"

Which was laid on the table.

Mr. Cunningham moved to strike out the word "residents," in the third line, and insert the word "citizens," instead.

Mr. Stiles moved to strike out the words "residents and aliens," and insert the word "citizens;"

Which was laid on the table.

Mr. Orr moved the previous question;

Which was sustained.

And the amendment of Mr. Cunningham was adopted.

And section 26 was adopted as amended.

Mr. Stiles moved to suspend the rules that a motion might be made to reconsider the vote adopting section 25, as printed.

Which was laid on the table.

Mr. Stovall moved to suspend the rules to permit him to introduce a resolution;

Which was carried.

Mr. Stovall introduced the following:

WHEREAS, Numerous petitions have been received from different portions of the State asking the Convention to change county boundaries and form new counties; and,

*Whereas*, The duties of this Convention as set forth by the reconstruction law of Congress, do not contemplate legislative action by said Convention; and,

*Whereas*, The subject of changing county boundaries and forming new counties was never discussed before the people pending the election of delegates to this Convention; therefore, be it

*Resolved*, That the subject of changing county boundaries and forming new counties, belongs exclusively to the legislative department of the Government, and therefore, this Convention will not entertain any petition on that subject.

Mr. Castello moved a further suspension of the rules that the Convention may take action on the resolution;

Which was carried.

Mr. Gibbs moved the previous question;

Which was sustained.

And the resolution of Mr. Stovall was adopted, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Ballard, Bonney, Bridges, Brinson, Castello, Chapman, Combash, Compton, Conley, Dalton, Drane, Elliott James, Field, Fitzhugh, Gaither, Gibbs, Goss, Handy, Hauser, Hutto, Jacobs, Lack, Leas, Leonard, Longmire, Musgrove, Moore, Myers, Mygatt, Nesbitt, Newsom, Orr, Ozanne, Peyton E. G., Phillips, Quinn, Railsback, Rainey, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Vaughan, Warren, Woodmansee, Yeoman—51.

NAYS—Messrs. Chappell, Cunningham, Mayson, McKnight, Weir—5.

Mr. Castello moved to suspend the rules to take up the report of the committee on Legislative Department;

Which was carried.

And section 1 was adopted, as amended, by striking out the words "General Assembly," and inserting the word "Legislature."

Section 2 was adopted as printed.

Section 3:

Mr. Alderson moved to amend by striking out, all after the word "election," in the sixth line; and inserting the word "reside," instead of the words "have an actual residence;"

Which was laid on the table.

And section 3 was adopted, as printed.

Section 4 was adopted, as printed.

Section 5:

Mr. Field moved to amend as follows: "Nor unless he, his wife, or children, own property to the amount of $500;"

Which was laid on the table.

Mr. Castello moved the previous question;

Which was sustained.

And section 5 was adopted, as printed.

Section 6:

Mr. Weir moved to strike out the words "General Assembly," in the third line, and insert the word "Legislature;"

Which was carried.

And section 6 was adopted, as amended.

Mr. Castello moved to strike out the words "General Assembly," wherever they occur in the report, and insert the word "Legislature;"

Which was carried.

Section 7 was adopted, as printed.

The Convention adjourned until 3 o'clock P. M.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

The consideration of the report of the committee on Legislative Department being before the Convention, Mr. Field moved to strike out section 8 of the report;

Which was laid on the table;

And section 8 was adopted as printed.

Section 9 was adopted as amended by striking out the words "General Assembly," and inserting the word "Legislature."

Section 10:

The following amendment was offered:

Strike out all after the word "no," in first line, and insert the following: "Persons holding any office of the United States or this State, or any county office, excepting postmasters, notaries public, officers of the militia, and township officers, shall not be eligible to, or have a seat in either branch of the Legislature, and all votes given for any such persons shall be void.

A motion to lay on the table was lost;

And the amendment was lost.

Mr. Herbert moved the previous question;

Which was sustained;

And section 10 was adopted as printed.

Section 11 was adopted as printed.

Mr. Musgrove moved to strike out section 12.

A motion to lay on the table was lost.

And section 12 was adopted as printed.

Section 13 was adopted as read.

Section 14:

Mr. Gibbs moved to strike out the word "sitting," in the ninth line, and insert the word "assembled;"

Which was carried.

And section 14 was adopted as amended.

Section 15:

Mr. Compton moved to strike out the word "one-tenth," and insert the word "three."

Mr. Fitzhugh moved to postpone indefinitely;

Which was carried.

Mr. Field moved to amend by inserting the word "five" instead of the word "one-tenth;"

Which was laid on the table.

And section 15 was adopted as printed.

Section 16:

Mr. Ozanne moved to amend as follows:

After the word "except," in the fourth line, strike out the words, "in cases which," and insert the words, "when public welfare;"

Which was laid on the table.

Section 16 was adopted as read.

Section 17:

Mr. Field moved that the word "ballot," in the fifth line, be stricken out, and the word "action" be substituted; that the words, "the vote," in sixth line, be stricken out, and the word "it" be substituted, and the word "given," in seventh line be stricken out.

Mr. Compton moved to strike out the section and amendments.

Mr. McKee moved to postpone indefinitely, the section and mendments;

Which was laid on the table.

Mr. Barry moved to amend, after the word "house" in 4th and 5th lines, by inserting the words "it shall be by yeas and nays, and entered on the Journal."

Mr. McKee moved to lay all amendments on the table;

Which was carried.

Mr. Compton moved to strike out the section;

Which was carried.

Convention adjourned until 7½ o'clock.

## NIGHT SESSION.

Convention met pursuant to adjournment.

Upon calling the roll, no quorum was present; and on motion of Mr. Gibbs, the Convention adjourned until to-morrow at 9 o'clock.

T. P. SEARS,
*Secretary.*

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## FORTY-NINTH DAY.

JACKSON, MISS., Tuesday, March 3d, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Compton, Conley, Cunningham, Dalton, Drane, Elliott James, Field, Fitzhugh, Gibbs, Goss, Handy, Hauser, Herbert, Hutto, Jacobs, Lack, Lawson, Leas, Leonard, Mayson, Musgrove Morgan, Myers, Mygatt, McKee, McKnight, Nesbitt, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. G., Quinn, Railsback, Rainey, Smith, Stewart, Stites, Toy, Vaughan, Walker, Warren, Weir, Williams, Woodmansee Yeoman—64.

The following delegates were absent:

Messrs. Beam, Collins, Dowd, Elliott John, Fawn, Gaither, Gray, Hemmingway, Holland, Howe, Jamison, Johnson S., Johnson A., Jones, Kerr, Longmire, Mask, Montgomery, Miles, Merryman, Moore, McCutchen, Neilson, Nelms, Peyton E. A., Powell, Richardson, Stricklin, Townsend, Watson—30.

Journal of yesterday read and approved.

Leaves of absence were granted to the following delegates:

To Mr. Rainey, ten days; to Mr. Fitzhugh, ten days; to Mr. Collins, ten days; to Mr. Kerr, five days; to Mr. Phillips, one week.

The Committee on Militia reported progress.

The rules were suspended, and the Convention proceeded to consider the report of the Committee on the Legislative Department.

Section 18:

Mr. Parsons, of Adams, moved to postpone the further consideration of the section;

Which was lost.

And section 18 was adopted as printed.

Section 19:

Mr. Cunningham moved to amend the section by adding to seventh line, "whether such crimes shall have been committed in the State or elsewhere;"

Which was laid on the table.

Mr. Hutto moved to strike out the whole of section 19;

Which was lost.

And section 19 was adopted as printed.

Section 20:

Mr. Compton moved to table;

Which was lost.

Mr. Alderson moved to amend section 20 as follows:

Insert the words "the laws of," between the words "under" and "this;"

Which was carried.

Mr. Compton moved to postpone indefinitely the consideration of the section and amendments;

Which was laid on the table.

Mr. Gibbs moved to amend section 20, as follows:

Strike out after the word "appointment," in fifth line, to the word "and," in seventh line;

Which was adopted.

Mr. Hauser moved to add after the word "offer," in ninth line, the words "or accept;"

Which was laid on the table.

Mr. Parsons, of Adams, moved to indefinitely postpone section 20;

Which was laid on the table.

Mr. Compton moved to recommit;

Which was laid on the table.

Section 20 was adopted.

Section 21:

A motion to strike out was laid on the table.

And section 21 was adopted as printed.

Mr. Barry moved a reconsideration of the vote adopting section 21;

Which was laid on the table.

Section 14:

Mr. Ozanne moved to reconsider the vote adopting section 14;

Which was carried.

Mr. Barry moved to strike out the word "assembled," and insert the word "sitting;"

Which was carried.

And section 14 was adopted as printed.

Section 22 was adopted as amended.

Section 23 was adopted as amended.

Section 24 was adopted as amended.

Section 25 was stricken out.

Section 19:

Mr. Orr moved to reconsider the vote upon the section;

Which was laid on the table.

Section 26 was adopted as read

Section 27:

Mr. Peyton moved to amend the section, as follows:

After the word "return," in the sixth line, insert the word "it," and after the word "laws," in seventh line, insert the word "thereto;"

Which was carried.

Section 27:

Mr. Leas moved to amend as follows:

Strike out "10," in twenty-sixth line, and insert "5;"

Which was carried.

And section 27 was adopted, as amended.

Mr. Clarke, of Yazoo, moved to invite General McMellan, of Louisiana, to a seat within the bar of the Convention;

Which was carried.

After which the Convention took a recess for fifteen minutes.

Convention re-assembled, after listening to an address by General McMellan, a member of the Louisiana Convention.

Section 28 was adopted, as printed.

Section 29:

Mr. Woodmansee moved to amend by adding, in the fourth line, after the word "law," the following:

But by the vote of the House of Representatives, on a reading on three separate days, and on the yeas and nays being taken on the final passage.

A motion to lay on the table was lost.

Mr. Fitzhugh moved to indefinitely postpone.

Mr. Weir moved the previous question;

Which was sustained.

And the motion to postpone was carried.

And section 29 was adopted, as printed.

Section 30 was adopted, as printed.

Section 31 was adopted, as printed.

Section 32:

Mr. Barry moved to amend by adding the words "or Lieutenant Governor," at end of first line;

Which was carried.

Mr. McKee moved to strike out the words "Supreme Court," and insert the words "High Court of Errors and Appeals;"

Which was carried.

And section 32 was adopted, as amended.

Section 33 was adopted, as printed.

Section 34:

Mr. Conley moved to amend as follows:

Strike out all from the word "same," in the twelfth line, to the word "before," in the thirteenth line, and insert the following:

And shall have an opportunity to be heard by himself, or counsel, or both;

Which was carried.

And section 34 was adopted, as amended.

Section 35:

Mr. Parsons, of Adams, moved to strike out the section;

Which was carried.

Section 36 was adopted, as printed.

Section 37:

Mr. Leas moved to strike out "5," and insert "10;"

Which was laid on the table.

Mr. Compton moved lo amend, by inserting after the word "made," the following:

And the first enumeration shall be ordered at the first meeting of the Legislature held under this Constitution.

Mr. Hauser moved the previous question.

And the amendment of Mr. Compton was adopted.

Mr. Vaughan moved to reconsider;

Which was carried.

Section 37:

Mr. Compton moved to strike out the words "once in every five years."

Mr. Vaughan moved to amend as follows:

Amend, after the word "State," in sixth line, by inserting the words "first session of the Legislature under this Constitution;" strike out the word "five," and insert the word "ten;" strike out all after the word "year," to the end of the section.

Convention adjourned until 3 o'clock.

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

The rules were suspended to permit Mr. Field to introduce a resolution:

*Resolved*, That a committee of fifteeen, three from each Congressional District, be appointed by the President, to frame an ordinance for the relief of the people of Mississippi from their pecuniary embarrassment, consistent with the rights and obligations of all parties, and the Constitution of the United States.

Mr. Castello moved to lay the resolution on the table;

Which was lost.

Mr. Clarke moved the previous question, which was sustained, and the resolution was adopted.

Mr. Ozanne moved that the rules be suspended to enable Mr. Barry to introduce a resolution.

Mr. Castello moved the previous question, which was sustained, and the motion was lost, by the following vote:

YEAS—Messrs. Alcorn, Chapman, Combash, Compton, Conley, Dalton, Elliott James, Field, Goss, Hauser, Hutto, Lack, Lawson, Leas, Leonard, Longmire, Mayson, Myers, Mygatt, McKnight, Newsom, Ozanne, Phillips, Quinn, Railsback, Rainey, Smith, Stites, Stovall, Stringer, Stiles, Walker, and Williams—33.

NAYS—Messrs. Alderson, Bonney, Bridges, Brinson, Caldwell, Castello, Clarke, Cunningham, Drane, Gibbs, Handy, Musgrove, McKee, Orr, Parsons F., Peyton E. G., Stewart, Toy, Warren, Woodmansee, and Yeoman—21.

Mr. Compton moved to suspend the rules to allow Mr. Mygatt to introduce a resolution;

Which was carried.

Mr. Mygatt offered the following:

*Resolved*, That from this date, there shall be but one session each day, commencing at 9 o'clock, A. M., and continuing until 2 o'clock, P. M., and no motion of adjournment shall be in order prior to that time, without a suspension of the rules of this house.

A motion to lay the resolution on the table, was lost.

Mr. Cunningham moved the previous question, which was sustained, and the resolution was lost, by the following vote:

YEAS—Messrs. Alcorn, Ballard, Barry, Castello, Chapman, Compton, Cunningham, Dalton, Drane, Elliott James, Gibbs, Goss, Handy, Hauser, Jacobs, Leas, Leonard, Longmire, Mygatt, McKnight, Newsom, Orr, Ozanne, Parsons F., Peyton E. G., Phillips, Quinn, Rainey, Stites, Stringer, Stiles, Walker, Williams, and Yeoman—34.

NAYS—Messrs. Alderson, Bonney, Bridges, Brinson, Caldwell, Clarke, Field, Hutto, Lack, Lawson, Mayson, Musgrove, Myers, McKee, Nesbitt, Parsons J. R., Railsbrck, Smith, Stewart, Stovall, Toy, Warren, and Woodmansee—23.

A motion to adjourn was lost.

The Convention resumed the consideration of the report of Legislative Committee;

And the amendment of Mr. Vaughan, pending on adjournment, was laid on the table.

Mr. Castello moved to amend section 37, as follows:

After the word "State," strike out the balance of section and insert the words "once in every ten years. The first enumeration shall be made A. D. 1875."

A motion to lay on the table was lost.

Mr. Cunningham moved the previous question;

Which was sustained.

And the amendment of Mr. Castello was lost.

And the amendment of Mr. Compton was adopted.

And seetion 37, as amended, was adopted.

Section 38:

Mr. Chapman moved to strike out all between the word "that," in the thirteenth line, and the word "each," in the sixteenth line.

Which was laid on the table.

Mr. Musgrove moved to strike out all after the word "county," in tenth line, to the word "shall," in the sixteenth line.

The Convention adjourned until half past 7 o'clock P. M.

## NIGHT SESSION.

The Convention met pursuant to adjournment.

No quorum present.

Convention adjourned until 9 o'clock, to-morrow morning.

T. P. SEARS,
*Secretary.*

## FIFTIETH DAY.

JACKSON, MISS., Wednesday, March 4th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Compton, Conley, Cunningham, Dalton, Drane, Elliott James, Fawn, Field, Gibbs, Goss, Handy, Hauser, Hutto, Jacobs, Johnson A., Lack, Lawson, Leas, Leonard, Longmire, Mayson, Musgrove, Moore, Myers, Mygatt, McKee, McKnight, Nesbitt, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. G., Phillips, Quinn, Railsback, Richardson, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Vaughan, Walker, Warren, Weir, Williams, Woodmansee, Yeoman—65.

The following delegates were absent:

Messrs. Beam, Collins, Dowd, Elliott John, Fitzhugh, Gaither, Gray, Hemmingway, Herbert, Holland, Howe, Jamison, Johnson S., Jones, Kerr, Montgomery, Merryman, Mask, McCutchen, Morgan, Neilson, Nelms, Peyton E. A., Powell, Rainey, Stricklin, Townsend, Watson—28.

Journal of yesterday was read and approved.

Leaves of absence were granted to the following named gentlemen for the period affixed to their names:

To Mr. E. A. Peyton five days; to Mr. Richardson one day; to Mr. Walker one day; to Mr. Morgan two days; to Mr Cunningham two days; to Mr. Miles ten days.

The committee on General Provisions reported progress.

The committee on Contingent Expenses made the following report:

*To the Honorable President and Members of the Constitutional Convention of the State of Mississippi:*

Your committee on Contingent Expenses would respectfully report that the bill hereto annexed, referred to them for examination, has been found correct, and would recommend the same be allowed.

Very respectfully,
U. OZANNE,
*Chairman.*
W. H. GIBBS,
S. C. CONLEY,
J. RAILSBACK,
JNO. C. BRINSON,
*Committee.*

JACKSON, MISS., March 2, 1868.

*Mississippi Constitutional Convention,*
*To Jackson Gas Light Company,* *Dr.*

| | |
|---|---|
| To Gas consumed in month February, 1868 | $56 00 |

A true copy of the original bill.

Rules suspended so far as relates to the printing of the report in bill form.

Report received.

And the bill being allowed, warrant was directed to be drawn.

The committee on Contingent Expenses reported further, as follows:

*To the Honorable President and Members of the Constitutional Convention of Mississippi :*

The bill, hereto annexed, of the *Journal* office for daily newspapers furnished to the members of the Convention, referred to the committee on Contingent Expenses, has been duly examined and found correct as far as numbers are concerned. In regard to the price, the committee would state that in their judgment they think five cents per copy, for said daily paper, to be a liberal allowance, and would recommend that instead of seven cents, as charged in the bill, five cents be allowed.

Very respectfully,
U. OZANNE,
*Chairman.*
W. H. GIBBS,
S. C. CONLEY,
J. RAILSBACK,
JNO. C. BRINSON,
*Committee.*

JACKSON, MISS., March 3, 1868.

*Mississippi Constitutional Convention,*
*To the Journal Office,* *Dr.*

| | |
|---|---|
| To 100 papers per day for one week, @ 7c | $ 42 00 |
| " 300 " " " seven weeks, @ 7c | 882 00 |
| Total amount | $924 00 |

I certify that the above account is correct, and that the papers charged have been received by me, and distributed among the members and officers of this Convention.

NELSON G. GILL,
*Sergeant-at-Arms.*

Report received and bill allowed.

*To the President and Gentlemen of the Convention :*

Your committee on Contingent Expenses would respectfully report that the bill hereto annexed, referred to them for examination, has been found correct, and would recommend that the same be allowed, with this amendment: that five cents per copy be inserted, instead of seven cents.

Respectfully,

U. Ozanne,
*Chairman.*
W. H. Gibbs,
S. C. Conley,
J. Railsback,
Jno. C. Brinson,
*Committee.*

*Mississippi Constitutional Convention,*
*To the Clarion Office,* *Dr.*

| | |
|---|---|
| To 100 papers, first four days session, @ 7c. per copy.. | $ 28 00 |
| " 200 papers each day, for seven weeks, ending February 29th, inclusive | 588 00 |
| Total | $616 00 |
| Deduction of two cents per copy | 176 00 |
| Amount of bill reduced | $440 00 |

Report received and bill allowed, with deduction as made above.

Mr. Cunningham moved to suspend the rules to resume consideration of Legislative Committee's report;

Which was carried.

Section 38:

Mr. Cunningham moved to recommit section 38, referring it to the committee, to report at their earliest convenience;

Which was laid on the table.

And the amendment offered by Mr. Musgrove yesterday, and pending on adjournment, was lost.

Mr. Compton moved to strike out the words "or districts," in the fifth line.

A motion to lay on the table was carried by the following vote:

Yeas—Mesrss. Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Chappell, Clarke, Conley, Drane, Fawn, Gibbs, Handy, Hauser, Herbert, Jacobs, Johnson A., Lawson, Leas, Leonard, Mayson, Moore, Myers, McKee, Newsom, Ozanne, Parsons F., Parsons J. R., Railsback, Stewart, Stites, Stringer, Toy, Warren, Woodmansee—35.

Nays—Messrs. Alderson, Alcorn, Ballard, Chapman, Compton, Cunningham, Dalton, Elliott James, Field, Goss, Hutto, Lack, Longmire, Musgrove, McKnight, Nesbitt, Orr, Peyton E. G., Phillips, Quinn, Richardson, Smith, Stovall, Stiles, Weir, Williams, Yeoman—27.

Mr. Hauser moved to strike out the words "qualified electors," in sixth and seventh lines, and insert the word "inhabitants;"

Which was laid on the table.

Mr. Alderson moved to strike out all after the word "members," in the thirteenth line, to the end of the section;

Which was laid on the table.

The President announced the following committee in reference to preparing an ordinance to stay the collection of debts in this State:

### FIRST DISTRICT.

Messrs. Compton, Ozanne, and Vaughan.

### SECOND DISTRICT.

Messrs. Alcorn, Railsback, and Walker.

### THIRD DISTRICT.

Messrs. Field, Weir, and Hutto.

### FOURTH DISTRICT.

Messrs. Barry, Morgan, and Montgomery.

### FIFTH DISTRICT.

Messrs. Beam, Stiles, and Goss.

Mr. Field was appointed Chairman.

Mr. Chapman moved to strike out section 38;

Which was laid on the table.

Mr. Chapman moved to recommit section 38 to the committee, with instructions to revise the same;

Which was laid on the table.

Mr. Clarke moved the previous question;

Which was not sustained.

And section 38 lies over.

Mr. Cunningham moved that the remainder of the report be recommitted, and that the committee be instructed to report at their earliest convenience;

Which was lost.

Mr. Cunningham moved to go into Committee of the Whole;

Which was lost.

Section 39 was adopted as printed.

Section 40:

A motion to adopt the section was carried, by the following vote:

Yeas—Messrs. Barry, Bonney, Caldwell, Castello, Chappell, Clarke, Combash, Drane, Elliott James, Fawn, Field, Gibbs, Handy, Hauser, Jacobs, Johnson A., Lawson, Leas, Leonard, Mayson, Musgrove, Moore, Myers, McKee, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton E. G., Railsback, Smith, Stewart, Stites, Stringer, Toy, Warren, Williams, and Woodmansee—38.

Nays—Messrs. Alderson, Alcorn, Ballard, Bridges, Brinson, Chapman, Compton, Conley, Cunningham, Dalton, Goss, Hutto, Lack, Longmire, McKnight, Phillips, Quinn, Richardson, Stovall, Stiles, Vaughan, Walker, Weir, Yeoman—25.

Mr. Musgrove moved to reconsider the vote just taken;

Which was laid on the table.

Section 41:

Mr. Musgrove moved to consider the section by articles.

Mr. McKee moved to recommit the section to the committee.

A motion to table was lost.

And the section was recommitted.

On motion of Mr. Alderson, Mr. Cunningham, of Madison, was added to the committee.

Mr. Gibbs moved to suspend the rules to enable the Convention to reconsider the vote adopting section 40;

Which was lost.

Section 42 was adopted as printed.

Section 43:

On motion of Mr. Musgrove, section 43 was amended as follows:

Strike out all after the word "lines," in the fifth line, to the word "nor," in the ninth line, and insert the words "but no new county shall be organized."

Mr. Conley moved to amend section 43 as follows:

Strike out all after the word "less," in eleventh line, and insert the words "five hundred and seventy square miles;"

Which was lost.

And section 43 was adopted as amended.

Mr. Clarke moved to suspend the rules to enable him to introduce a resolution.

The rules were suspended, and Mr. Clarke offered the following:

*Resolved*, That hereafter this Convention shall have but two sessions a day, to-wit: One commencing at 9 o'clock A. M., and the other to commence at 3 o'clock P. M.

Mr. Woodmansee moved to insert 10 o'clock instead of 9 o'clock;

Which was laid on the table.

Mr. Stiles offered the following:

*Resolved*, That there shall be but one session a day, commencing at 9 o'clock A. M. and closing at 2 o'clock P. M., and no motion to adjourn until 2 o'clock P. M. shall be entertained if there be any business before the Convention;

Which was laid on the table.

And the motion of Mr. Clarke was adopted.

Mr. Alderson offered the following:

Whereas, H. C. Powers, Reading Clerk of this Convention, has resigned his position for the purpose of accepting that of Sheriff of the county of Oktibbeha, tendered him by the military commander of this State; therefore, be it.

*Resolved*, That the members of this Convention fully appreciating his merits as an officer and as a gentleman, tender him their sincere thanks for the able and courteous manner in which he has discharged the duties of his office.

Which was adopted.

The Convention adjourned until 3 o'clock.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

The rules were suspended to receive the following report:

*To the President and Members of the Convention:*

Your committee on Franchise beg leave to report the following:

ALSTON MYGATT, *Chairman*,
E. J. CASTELLO,
J. HAUSER,
A. T. MORGAN,
T. W. STRINGER, *Committee.*

## ARTICLE V.

SECTION 1. All elections by the people, both general and special, shall be by ballot.

SEC. 2. Every male person over twenty-one years of age, born in the United States or naturalized, and who has resided one year in this State, and thirty days prior to the general election in the county whereof he offers to vote, may become a qualified elector.

*Provided*, 1. That no idiot or insane person, or one who has been convicted of any infamous crime whereby he has been sentenced to the penitentiary, or who has been engaged in any duel, whether principal or accessary, shall be allowed to vote.

*Provided* 2. That no person guilty of bribery at elections, false voting or violence to deter others from the right of suffrage, shall be allowed to vote.

*Provided* 3. That no soldier, sailor or marine, in the military or naval service of the United States, who shall hereafter acquire a residence by reason of being so stationed, shall be allowed to vote.

*Provided* 4. That no person disqualified by the proposed amendment of the Constitution of the United States, known as the 14th article, nor those who have been disfranchised by the Registrars, under the Act passed by Congress, March 2, 1867, and the supplementary Acts thereto, shall be allowed to vote.

*Provided* 5. That no person who signed the ordinance of secession, passed the 9th of January, 1861, except those who who have since aided in reconstruction, shall ever be allowed to vote.

SEC. 3. It shall be the duty of the Legislature, to regulate from time to time, the registration of all electors, who, before registering, shall take the following oath:

"I,———, do solemnly swear (or affirm), that I am over 21 years of age, that I have resided in this State one year at least preceding this date, that I have resided in this county thirty days prior to this date; that I will support the Constitution of the United States and the State of Mississippi, and the laws thereof, and that I am not excluded from registering on account of any of the provisions enumerated in section 2, article 5, of this Constitution."

SEC. 4. All persons, except those disfranchised under the 14th article of the proposed amendment of the Constitution of the United States, and for crime, may, on application and proof of loyalty, have their disabilties removed by a two-thirds vote of the Legislature.

SEC. 5. All officers of this State, elected or appointed, whether executive, legislative or judicial, shall, before entering on the duties of said office, take and subscribe to the oath passed by Congress the second day of July, 1862.

SEC. 6. No elector, except for crime, shall be liable to arrest in going to or returning from the place of voting, nor be detained as witness or juror in any court or by any military order, except in time of war or public danger.

SEC. 7. In time of war, insurrection or rebellion, the right to vote at such place and in such manner as shall be prescribed by law, shall be enjoyed by all persons otherwise entitled thereto, who may be in the actual military or naval service of the United States or of this State; *Provided*, Said votes be made to apply in the county or precinct wherein they reside.

SEC. 8. No elector shall be deemed to have gained or lost his residence by reason of absence therefrom in the service of the United States or of this State, nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas, nor while a student of learning, nor while kept at any asylum at public expense.

SEC. 9. No intoxicating drink shall be sold on the day or days of election in any city, or town, or precinct where said election shall be held.

SEC. 10. On the Fourth day of July, 1876, it shall be the duty of the Governor of this State, by and with the advice and consent of the Legislature, to issue a proclamation of general amnesty enfranchising all persons, except for crime or those who have been disqualified by the fourteenth article of the proposed amendment of the Constitution of the United States, and not pardoned by Congress, and permitting all registered voters to hold any office of honor, profit, or trust, in this State.

SEC. 11. Returns of election for all civil officers elected by the people, who are to be commissioned by the Governor, and also for the members of the General Assembly, shall be made to the Secretary of State.

Report received, and two hundred copies ordered to be printed.

The President announced the following names to fill vacancies on committee on Printing:

Mr. Castello, of Adams; Mr. Vaughan, of Lafayette, and Mr. Hauser, of Kemper.

Mr. Compton offered the following:

*Resolved*, That the Sergeant at-Arms be directed to furnish to the Official Reporter of this Convention copies of all printed reports and ordinances which shall have been or may be submitted to the Convention.

Which was adopted.

The Convention proceeded to the consideration of the report of the committee on Executive Department.

Mr. Castello moved to strike out, after the word "from," in the fourth line, and insert the words "January 1, A. D. 1869."

Mr. Parsons, of Adams, moved to strike out the word "four," in the fourth line, and insert the word "two."

Mr. Ozanne moved to table;

Which was lost.

And the amendment of Mr. Parsons was lost, by the following vote:

YEAS—Messrs. Bonney, Chapman, Compton, Conley, Dalton, Elliott James, Field, Goss, Handy, Hutto, Jacobs, Lack, Longmire, Musgrove, McKnight, Parsons F., Peyton E. G., Phillips, Richardson, Stovall, Stiles, Walker—22.

NAYS—Messrs. Alderson, Alcorn, Bridges, Brinson, Caldwell, Clarke, Combash, Drane, Fawn, Hauser, Johnson A., Lawson, Leas, Leonard, Mayson, Moore, Myers, Mygatt, McKee, Newsom, Ozanne, Smith, Stewart, Stites, Stringer, Toy, Warren, Weir, Williams, Woodmansee, Yeoman—31.

Mr. Newsom moved to strike out all after the word "the," in the fourth line, and insert the words "first installation after the adoption of this Constitution, and biennally thereafter, and until his successor is installed into office;"

Which was laid on the table.

And the amendment of Mr. Castello was adopted.

And section 1 was adopted as amended, and reads as follows:

SECTION 1. The chief executive power of this State shall be vested in a Governor, who shall hold his office for four years, from January 1, A. D. 1869.

Section 2 was adopted as printed, and reads as follows:

SECTION 2. The Governor shall be elected by the qualified electors of the State. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives at the next ensuing session of the Legislature, during the first week of which session, the said Speaker shall open and publish them in the presence of both houses of the Legislature. The person having the highest number of votes shall be Governor; but if two or more shall be equal and highest in votes, then one of them shall be chosen Governor by the joint ballot of both houses of the Legislature. Contested elections for Governor shall be determined by both houses of the Legislature in such manner as shall be prescribed by law.

Section 3:

Mr. Compton moved to strike out the word "two," in fifth line, and insert the word "five;"

Which was laid on the table.

Mr. Parsons, of Adams, moved to strike out all after the word "election," in seventh line.

Mr. Stiles moved to strike out all after the word "age," in second line, and insert the words, "a native born citizen of the United States, and a resident of the State for three years next preceding his election;

Which was laid on the table.

A motion to table the amendment of Mr. Parsons, of Adams, was lost.

Mr. Alcorn moved to amend by striking out all after the word "election," in seventh line, and inserting the words "and a term of four years shall intervene before he shall be eligible to a second term;

Which was laid on the table;

Mr. Woodmansee moved the previous question, and the amendment of Mr. Parsons, of Adams, was adopted.

And section three was adopted as amended, and reads as follows:

Section 3. The Governor shall be at least thirty years of age, and shall have been a citizen of the United States twenty years, shall have resided in this State two years, next preceding the day of his election.

Convention adjourned until to-morrow morning, at 9 o'clock.

T. P. Sears,
*Secretary.*

## FIFTY-FIRST DAY.

Jackson, Miss., Thursday, March 5th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Ballard, Barry, Bonney, Bridges, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Compton, Conley, Dalton, Drane, Elliott James, Fawn, Field, Gibbs, Goss, Handy, Hauser, Hemmingway, Hutto, Jacobs, Johnson S., Johnson A., Lack, Lawson, Leas, Leonard, Longmire, Mayson, Musgrove, Moore, Myers, Mygatt, McKee, McKnight, Nesbitt, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton E. G., Quinn, Railsback, Richardson, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Vaughan, Walker, Warren, Weir, Williams, Woodmansee, and Yeoman—64.

The following delegates were absent:

Messrs. Collins, Cunningham, Elliott John, Gaither, Gray, Herbert, Holland, Howe, Jones, Kerr, Mask, Montgomery, Miles, Merryman, Morgan, McCutchen, Neilson, Nelms, Orr, Peyton E. A., Phillips, Powell, Rainey, Stricklin, Townsend, and Watson—27.

Journal of yesterday read and approved.

Leaves of absence were granted to the following named delegates for the period affixed to their names:

Mr. McCutchen, five days; Mr. Townsend, one day; Mr. Howe, five days; Mr. Jamison, 5 days; Mr. Warren, one day; Mr. Dowd, five days; Mr. Merryman, two days; Mr. Stiles, four days; Mr. Parsons, of Hinds, one day; Mr. Myers, until Tuesday.

The rules were suspended to permit Mr. Castello to introduce the following preamble and resolution:

WHEREAS, The Legislature of the State of California has, through the Governor of the State, transmitted to the President of the United States, resolutions endorsing his treasonable and traitorous acts, and pledging their faith and fealty to support him in his attempts to overthrow Congress and crush out loyalty, and place the power of the Government in the hands of traitors and rebels; therefore, be it

*Resolved*, That we, the loyal people of the State of Mississippi, in Convention assembled, will now, and as we have in times past, bear true faith and fealty to the Constitution and to Congress, and that by all just and legal means we will sustain the Congress of the United States in the discharge of their duties.

Mr. Stovall moved to lay the preamble and resolution on the table;

Which was carried, by the following vote:

YEAS—Messrs. Ballard, Bridges, Combash, Compton, Conley, Dalton, Elliott James, Fawn, Field, Gibbs, Goss, Hemmingway, Hutto, Johnson S., Lack, Longmire, Musgrove, Myers, McKee, Ozanne, Parsons F., Peyton E. G., Quinn, Railsback, Richardson, Smith, Stovall, Stiles, Vaughan, and Walker—30.

NAYS—Messrs. Alderson, Alcorn, Bonney, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Drane, Handy, Hauser, Jacobs, Johnson A., Lawson, Leas, Moore, Mygatt, McKnight, Nesbitt, Newsom, Stewart, Stites, Stringer, Toy, Weir, Woodmansee, and Yeoman—28.

Mr. Field moved a suspension of the rules to enable him to introduce a resolution;

Which was lost.

Mr. Clarke moved a suspension of the rules to reconsider the vote adopting section 40 of the report of the Legislative Department;

Which was carried.

And the vote adopting the section was reconsidered;

And section 40 was recommitted to the committee.

Mr. Conley moved to suspend the rules, to take up the report of the committee on the Executive Department.

The rules were suspended, and the Convention proceeded to the consideration of the report of the committee on Executive Department.

Section 4:

Mr. Castello moved to amend the section by inserting the words "such compensation as shall be provided by law," and strike out all after the word "services," in the second line.

Mr. Field moved to amend the section as follows:

Insert the word "three," instead of the words "five thousand;"

Which was laid on the table.

Mr. Compton moved to table the amendment of Mr. Castello;

Which was lost.

And the amendment of Mr. Castello was adopted.

And section 4 was adopted as amended, and reads as follows:

SECTION 4. He shall receive for his services such compensation as shall be provided by law.

Section 5 was adopted as printed, and reads as follows:

SEC. 5. He shall be Commander-in-Chief of the army and navy of the State, and of the militia, except when they shall be called into the service of the United States.

Section 6 was adopted as printed, and reads as follows:

SEC. 6. He may require information, in writing, from the officers in the Executive Department on any subject relating to the duties of their respective offices.

Section 7 was adopted as printed, and reads as follows:

SEC. 7. He may, in cases of emergency, convene the Legislature at the seat of government, or at a different place, if that shall have become, since their last adjournment, dangerous from an enemy, or from disease; and in case of disagreement between the two houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not beyond the day of the next stated meeting of the Legislature.

Section 8 was adopted as printed, and reads as follows:

SEC. 8. He shall, from time to time, give the Legislature information of the state of the government, and recommend to their consideration such measures as he may deem necessary and expedient.

Section 9 was adopted as printed, and reads as follows:

SEC. 9. It shall be his duty to see that the laws are faithfully executed.

Section 10 was adopted as printed, and reads as follows:

SEC. 10. In all criminal and penal cases, except in those of treason and impeachment, he shall have power to grant reprieves and pardons, and remit fines, and in cases of forfeiture to stay the collection until the end of the next session of the Legislature, and to remit forfeitures by and with the consent of the Senate. In cases of treason he shall have power to grant reprieves by and with the consent of the Senate, but may respite the sentence until the end of the next session of the Legislature.

Section 11 was adopted as printed, and reads as follows:

SEC. 11. All commissions shall be in the name and by the authority of the State of Mississippi, be sealed with the great seal, and signed by the Governor, and be attested by the Secretary of State.

Section 12 was adopted as printed, and reads as follows:

SEC. 12. All vacancies not provided for in this Constitution shall be filled in such manner as the Legislature may prescribe.

Section 13 was adopted as printed, and reads as follows:

SEC. 13. There shall be a Lieutenant Governor, who shall be elected at the same time, in the same manner, and for the same term, and shall possess the same qualifications as the Governor.

Section 14 was adopted as printed, and reads as follows:

SEC. 14. He shall, by virtue of his office, be President of the Senate. In Committee of the Whole he may debate on all questions, and when there is an equal division in the Senate, or on a joint vote of both houses, he shall give the casting vote.

Section 15:

Mr. Castello moved to amend as follows:

Strike out all after the word "Senate," and insert the words "such compensation as shall be provided by law;"

Which was carried.

And the section as amended was adopted, and reads as follows:

SEC. 15. He shall receive for his services while presiding over the Senate, such compensation as shall be provided by law.

Section 16 was adopted as printed, and reads as follows:

SEC. 16. When the office of Governor shall become vacant by death or otherwise, the Lieutenant Governor shall possess the powers and discharge the duties of said office, and receive the same compensation as the Governor, during the remainder of the said term. When the Governor shall be absent from the State, or unable from protracted illness, to discharge the duties of his office, the Lieutenant Governor shall perform the duties of said office, and receive said compensation until the Governor be able to resume his duties, but if from disability or otherwise, the Lieutenant Governor shall be incapable of performing said duties, or if he be absent from the State, the President of the Senate *pro tempore* shall act in his stead, but if there be no such resident, or if he be Pdisqualified by like disability, or be absent from the State, then the Speaker of the House of Representatives shall assume the office of Governor and perform said duties, and receive the same compensation as the Governor; and in case of the inability of the foregoing officers to discharge the duties of Governor, the Secretary of State shall convene the Senate to elect a President *pro tempore*.

Section 17 was adopted as printed, and read as follows:

SEC. 17. In case the election for Lieutenant Governor shall be contested, it shall be decided in the same manner as that of the Governor.

Section 18:

Mr. Parsons, of Adams, moved to amend by striking out the word "four," in eighth line, and inserting the word "two;"

Which was laid on the table.

And section 18 was adopted as printed, and read as follows:

SEC. 18. The Secretary of the State shall be elected by the qualified electors of State; shall be twenty-five years of age, and a citizen of the State one year at the time of his election, and shall continue in office during the term of four years; he shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required, lay the same and all papers, minutes and vouchers relative thereto before the Legislature, and shall perform such other duties as may be required of him by law.

Section 19 was adopted, and reads as follows:

SEC. 19. There shall be a seal of this State kept and used by him officially, and be called the Great Seal of the State of Mississippi.

The rules were suspended to permit the Special Committee, appointed to investigate the charges against Mr. Merryman, of Lauderdale, to submit a report, which is as follows:

*To the President and Members of the Constitutional Convention:*

Your Committee beg leave to report that in accordance with the resolution of this Convention, recommitting to them the former report made by them, in the case of Mr. Merryman, they have had the facts again under consideration, and in accordance with the will of the Convention, they recommend that the member from Lauderdale county, Mr. Merryman, for repeated acts of drunkenness and disorderly conduct, and for publishing an article impugning the motives of members for their action in his former trial, be expelled from this Convention, and his seat be declared vacant.

GEORGE C. MCKEE,
H. W. BARRY,
J. A. MOORE,
*Committee.*

Mr. Alderson moved that the report be received, the committee discharged, and the report made the special order of the day for 9 o'clock to-morrow.

Mr. Conley offered the following as an amendment to the motion of Mr. Alderson:

And that the President appoint two members to prepare specifications and charges against Mr. R. C. Merryman, and that he be furnished with a copy of the same, and be notified of time of trial, and be allowed to defend himself in person or by counsel or both;

Which was carried.

And the motion of Mr. Alderson was carried as amended.

Mr. Compton moved that the Sergeant-at-Arms notify Mr. Merryman of the action had in reference to him to-day;

Which was carried.

Convention resumed the consideration of the report of the committee on Executive Department.

Section 20 was stricken out.

Section 7:

Mr. Barry moved to reconsider section 7;

Which was carried,

Mr. Barry offered the following amendment:

Insert after the word "at," in third line, the words, "a different place than that;" and strike out in fourth line the word "or at a different place;"

The previous question was called and call sustained, and the amendment was adopted.

And section 7 was adopted as amended, and reads as follows:

Section 7. He may, in cases of emergency, convene the Legislature at a different place than the seat of government, if that shall have become, since their last adjournment, dangerous from an enemy, or from disease; and in case of disagreement between the two houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not beyond the day of the next stated meeting of the Legislature.

Section 21 was stricken out.

Section 22:

Mr. Castello moved to strike out the word "Ranger," in third line;

Which was carried.

And section 22 was adopted as amended, and reads as follows:

Section 22. A Sheriff, and one Coroner, a Treasurer, and Surveyor, shall be elected in each county by the qualified electors thereof, who shall hold their offices for two years, unless sooner removed.

Section 23:

Mr. Parsons, of Adams, moved to strike out the word "four," in fifth line, and insert the word "two;"

Which was laid on the table.

And section 23 was adopted as printed, and reads as follows:

Section 23. A State Treasurer, and Auditor of Public Accounts, shall be elected by the qualified electors of the State, who shall hold their offices for the term of four years, unless sooner removed, and shall possess the same qualifications as the Secretary of State;

Section 24 was adopted as printed, and reads as follows:

Section 24. All officers named in this article shall hold their offices during the term for which they were elected, and until their successors shall be duly qualified to enter on the discharge of their separate duties.

Section 25:

Mr. Alderson moved to amend as follows·

The Secretary of State, the Treasurer, and the Auditor of Public Accounts, shall receive for their services such compensation as shall be provided by law;

Which was adopted.

And section 25 was adopted as amended, and reads as follows:

SEC. 25. The Secretary of State, the Treasurer, and Auditor of Public Accounts, shall receive such compensation as shall be provided by law.

Mr. Parsons, of Adams, moved to make the report of the committee on the Judiciary the special order of the day for Monday next.

A motion to layon the table was lost.

And the motion of Mr. Parsons, of Adams, was adopted.

Mr. Stovall offerred the following:

WHEREAS, This Convention has declared by almost a unanimous vote, that it will not entertain any petition looking to the changing of county boundaries, or forming new counties; therefore, be it

*Resolved*, That the Standing Committee on County Boundaries be, and the same is hereby discharged.

Which was adopted.

Mr. E. G. Peyton moved that there be one hundred copies of the report of the majority of the committee on Judiciary printed for the use of the Convention;

Which was carried.

The Convention proceeded to the consideration of the report of the committee on Public Education, which came up on its second reading.

Section 1 was adopted as printed, and reads as follows:

SECTION 1. The stability of republican form of government, depending mainly upon the intelligence and virtue of the people, it shall be the duty of the General Asssembly to encourage by all suitable means the promotion of intellectual, scientific, moral and agricultural improvements, by establishing a uniform system of free public schools, by taxation or otherwise, for all children between the ages of five and twenty-one years, and shall, as soon as practicable, establish schools of higher grade.

Section 2:

Mr. Chapman moved to strike out all after the word "at," in the second line, to the word "for" in the 6th line, and insert the words "who shall have the qualifications of the Secretary of State. The first term of his office shall be for two years. The second term, and all suceeding terms shall be;"

Which was laid on the table.

Mr. Castello moved to amend as follows:

Add "s" to "school," and strike out the word "fund" in eleventh line.

Which was adopted.

Mr. McKee moved to strike out the words "General Assembly" where they occur, and insert the word "Legislature;"

Which was adopted.

Section 2 was adopted as amended, and reads as follows:

SEC. 2. There shall be a Superintendent of Public Education elected by the people, at the same time and manner as the Governor, who shall have the qualification of the Secretary of State, and hold his office for four years and until his successor shall be elected and qualified; whose duties shall be the general supervision of the common schools, and the educational interest of the State, and shall perform such other duties pertaining to his office, and receive such compensation as shall be prescribed by law; he shall report to the Legislature for its adoption within twenty days after its first session under this Constitution, a uniform system of free public schools.

Mr. McKee moved to amend section 3 as follows:

Insert after the word "funds," in the seventh line, the words "under the general direction of the Legislature;"

Which was carried.

And section 3 was adopted as amended, and reads as follows:

SECTION 3. There shall be a Board of Education, consisting of the Secretary of State, the Attorney General, and the Superintendent of Public Education, for the management and investment of the school funds, under the general direction of the Legislature, and perform such other duties as prescribed by law. The Superintendent and one other of said Board, shall he a quorum.

Section 4:

Mr. Conley moved to amend as follows:

Strike out in the third line of the section, the word "appointed," and insert the word "elected;" and strike out all in the fourth line, and insert the words "the qualified electors of said county;"

Which was laid on the table.

Mr. Castello offered the following amendment:

Strike out from the word "education," in the second line of the section, to the word "whom," in the fifth line, and insert the words "who shall be appointed by the Board of Education by and with the advice and consent of the Senate."

And accepted the following additional amendment, by Mr. Leas: *Provided*, That the Legislature shall have the power to make said office of County School Superintendent of the several counties elective, as other county officers are, after the year 1872."

Mr. Parsons, of Adams, moved to amend the section as follows:

Strike out the third, fourth, and fifth lines, to the word "when," and insert the words "elected in each county, at the same time and in the same manner as other county officers are elected."

Mr. Castello moved to lay on the table;

Which was carried, by the following vote:

YEAS—Messrs. Alcorn, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Chappell, Clarke, Combash, Fawn, Gibbs, Hauser, Jacobs, Leas, Leonard, Mayson, Moore, Myers, McKee, Ozanne, Peyton E. G., Quinn, Railsback, Stewart, Stiles, Stringer, Toy, Vaughan, Woodmansee, and Yeoman—31.

NAYS—Messrs. Alderson, Ballard, Chapman, Compton, Drane, Elliott James, Goss, Handy, Hemmingway, Hutto, Johnson S., Johnson A., Lack, Lawson, Longmire, Musgrove, Mygatt, McKnight, Newsom, Parsons J. R., Richardson, Smith, Stovall, Stites, Walker—27.

The Convention adjourned until 3 o'clock.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

No quorum present.

The President announced as a special committee to prefer charges and specifications against R. C. Merryman, a delegate from Lauderdale county, and prosecute the same: Messrs. Alderson and Railsback.

The Convention adjourned until to-morrow at 9 o'clock, A. M.

T. P. Sears,
*Secretary.*

## FIFTY-SECOND DAY.

Jackson, Miss., Friday March 6th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Beam, Bonney, Barry, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Compton, Conley, Dalton, Drane, Elliott James, Fawn, Field, Goss, Handy, Hauser, Hemmingway, Hutto, Jacobs, Johnson S., Johnson A., Lawson, Leas, Leonard, Longmire, Mayson, Musgrove, Merryman, Moore, Mygatt, McKee, McKnight, Nesbitt, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton E. G., Quinn, Railsback, Richardson, Smith, Stewart, Stovall, Stringer, Stiles, Toy, Vaughan, Warren, Weir, Williams, Woodmansee, Yeoman—62.

The following delegates were absent:

Messrs. Collins, Cunningham, Dowd, Elliott John, Fitzhugh, Gaither, Gibbs, Gray, Herbert, Holland, Howe, Jamison, Jones, Kerr, Lack, Mask, Montgomery, Miles, Morgan, McCutchen, Neilson, Nelms, Orr, Peyton E. A., Phillips, Powell, Rainey, Stites, Stricklin, Townsend, Walker, Watson—32.

Leaves of absence were granted to the following named delegates, for the period affixed to their names:

To Mr. Longmire, for four days; to Mr. Morgan, for two days; to Mr. Lack, for five days; to Mr. Gibbs, for two days; and to Mr. Townsend, for one day.

The President announced the special order of the day, to-wit: the consideration of the charges against Mr. R. C. Merryman, of Lauderdale.

Mr. Hemmingway moved to postpone until to-morrow at 3 o'clock P. M.

Mr. Hauser moved the previous question, which was sustained.

And the motion of Mr. Hemmingway was lost, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Beam, Compton, Conley, Dalton, Elliott James, Field, Goss, Hemmingway, Hutto, Johnson S., Longmire, McKnight, Railsback, Richardson, Smith, Stovall, Stiles, Vaughan, Woodmansee—21

NAYS—Messrs. Barry, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Drane, Fawn, Handy, Hauser, Jacobs, Johnson A., Lawson, Leas, Leonard, Mayson, Musgrove, Moore, Mygatt, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton E. G., Quinn, Stewart, Stringer, Toy, Warren, Weir, Williams, Yeoman—36.

Mr. Compton moved that Mr. Merryman be permitted to employ such counsel as he may desire;

Which was carried, by the following vote:

YEAS—Messrs. Alderson, Barry, Beam, Bonney, Bridges, Brinson, Castello, Chapman, Chappell, Clarke, Combash, Compton, Conley, Dalton, Drane, Elliott James, Fawn, Field, Goss, Handy, Hauser, Hemmingway, Hutto, Jacobs, Johnson S., Johnson A., Lawson, Leas, Leonard, Longmire, Musgrove, Moore, Mygatt, McKnight, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton, Quinn, Railsback, Richardson, Stewart, Stovall, Stringer, Stiles, Toy, Vaughan—52.

NAYS—Messrs. Alcorn, Caldwell, Mayson, Smith, Weir—5.

Mr. Stovall moved to suspend the rules to permit the introduction of a resolution;

Which was lost.

Mr. Compton moved to reconsider;

Which was carried.

And the motion of Mr. Stovall was carried, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bridges, Brinson, Castello, Combash, Compton, Conley, Dalton, Elliott James, Fawn, Field, Goss, Handy, Hutto, Jacobs, Johnson S., Johnson A., Lawson, Leas, Leonard, Longmire, Mygatt, McKnight, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton E. G., Quinn, Railsback, Richardson, Stovall, Stiles, Toy, Vaughan, Walker, Warren, Williams, Woodmansee, and Yeoman—44.

NAYS—Messrs. Bonney, Caldwell, Chapman, Chappell, Clarke, Drane, Hauser, Mayson, Musgrove, Moore, Smith, Stewart, Stringer, and Weir—14.

Mr. Stovall introduced the following:

*Resolved*, That the attorneys appointed by this Convention to prosecute Mr. Merryman, and the attorney of said Merryman, do not speak to exceed one hour each.

Mr. Weir moved to strike out the words "one hour" and insert the words "thirty minutes."

A motion to table was lost.

Mr. Ozanne offered to amend by adding the following:

"At the expiration of the thirty minutes the speakers be allowed ten minutes each to conclude their arguments;"

Which was laid on the table;

And the amendment of Mr. Weir was adopted, by the following vote:

Yeas—Messrs. Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Chappell, Clarke, Combash, Drane, Handy, Hauser, Leonard, Mayson, Musgrove, Moore, Mygatt, Newsom, Ozanne, Peyton E. G., Quinn, Smith, Stewart, Stringer, Toy, Warren, Weir, Williams, and Woodmansee—29.

Nays—Messrs. Alderson, Alcorn, Ballard, Beam, Compton, Conley, Dalton, Elliott James, Fawn, Field, Goss, Hemmingway, Hutto, Jacobs, Johnson S., Johnson A., Lawson, Leas, Longmire, McKnight, Parsons J. R., Railsback, Richardson, Stovall, Stiles, Vaughan, Walker, and Yeoman—28.

And the resolution of Mr. Stovall was adopted as amended.

The Convention then took a recess of fifteen minutes.

Convention resumed its session.

Mr. Railsback moved to postpone until 3 o'clock, Monday, the consideration of the case of Mr. Merryman;

Which was lost.

The Convention then proceeded to the consideration of the charges against R. C. Merryman, a delegate from Lauderdale county.

Messrs. Alderson and Railsback, delegates appointed to prepare charges against Mr. Merryman, submitted the following charges and resolution on the subject:

The undersigned, appointed by the President of this Convention to conduct the prosecution against R. C. Merryman, delegate from the county of Lauderdale, for offenses committed against the good order, peace, and dignity of this Convention, and having examined the reports of the special committee appointed to investigate the charges preferred against him, and the affidavits of witnesses thereto attached, do charge as follows:

1st. That the said R. C. Merryman did, on the night of the 23d day of February, 1868, gain admittance into the Representatives Hall, in which the Constitutional Convention was then, and now is being held, by deceiving the Doorkeeper, C. F. Norris, then in charge of said Hall, as officer of said Convention, and did then and there seize and assault said Norris while in the discharge of his duty, and put him in fear of great bodily harm, and force him, through fear, to leave said Hall and seek safety by flight; and did then and there, as leader, and at the head of a lawless band of evil-disposed persons, commit other acts of wrong and outrage, as charged in the report of said special committee.

2d. That said Merryman did, in aggravation of the above offenses, publish, or cause to be published, in the Jackson *Clarion*, of the 27th day of February, 1868, a false and libelous accusation against members of this Convention, by charging them with corrupt motives in the part they took against him in bringing the charges above referred to before this Convention, and moving for his expulsion therefrom for said offenses.

3d. For a third and further charge, the said Merryman did, on the 25th day of February, 1868, without the consent of this Convention, absent himself from this Convention, thereby vacating his seat without the consent of said Convention, and has been engaged in acts of dissipation and disorderly conduct, disgraceful to the dignity of this Convention, and in violation of the rules governing said body; therefore, be it

*Resolved*, That the said Merryman be expelled from this Convention, and that his seat be declared vacant from and after this, 6th day of March, 1868.

A. Alderson,
Jehiel Railsback.

Report received

And the defendant was permitted to plead.

And by his counsel, requested that he be allowed until tomorrow, at 3 o'clock. to prepare his defense.

Mr. Compton moved that the request be granted;

Which was lost, by the following vote:

Yeas—Messrs. Alcorn, Ballard, Beam, Combash, Compton, Conley, Dalton, Elliott James, Field, Goss, Hemmingway, Hutto, Johnson S., Longmire, McKnight, Nesbitt, Richardson, Stovall, Stiles, Vaughan, Walker, Warren, Woodmansee—23.

Nays—Messrs. Alderson, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Chappell, Clarke, Drane, Fawn, Handy, Hauser, Jacobs, Johnson A., Lawson, Leas, Leonard, Mayson, Musgrove, Moore, Mygatt, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton E. G., Quinn, Railsback, Smith, Stewart, Stringer, Toy, Weir, Williams, and Yeoman—36.

The Convention directed that the accused be furnished with a copy of the charges and proceedings against him.

The Convention adjourned until 3 o'clock, P. M., this day.

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

Leave of absence was granted to Mr. Hutto, for one week, commencing on Monday next.

The Convention resumed the consideration of the case of the delegate from Lauderdale;

And by his counsel, he submitted the following defense:

In the Constitutional Convention, convened under the certain Acts of the Congress of the United States, in that behalf, and now in session in the Hall of Representatives of the State of Mississippi;

In the matter of the certain charges against R. C. Merryman, a delegate to said Convention from the county of Lauderdale, in said State, by A. Alderson and Jehiel Railsback, managers on behalf of said Convention;

The said R. C. Merryman, respondent as aforesaid, protesting against the jurisdiction of this Convention, under the said Acts of Congress, to deny to the people of said county of Lauderdale, in manner and form as provided in and by said charges, their right of representation in this Convention, under said Acts of Congress, or to exclude him as such delegate aforesaid, from said Convention, as the delegate representing the people of said county therein, and denying the authority of this Convention to try him upon any of the matters in said several charges contained, or any of them, and not waiving, in any manner, but insisting on his said objections for answer to said several charges, responds and says as follows, to wit:

First. As to said first charge, this respondent says, that heretofore, to-wit: on the twenty-fifth day of February, A. D. 1868, he (the respondent) was arraigned before said Convention in session for business convened, and was charged therein by said Convention, upon the several matters of said first charge, and therefore was by the consideration and judgment of this Convention, duly acquitted and discharged therefrom, which said judgment still remains in full force.

Second. And as to the said third charge whereby this respondent is charged with having violated his seat, this respondent says the matters of said charge, if they exist at all, transpired before the time of the proceedings and judgment aforesaid, and by the said judgment of this Convention this respondent was declared, after the alleged matters aforesaid, still entitled to his seat in this Convention as a delegate aforesaid; whereof this respondent says the matters of said first charge cannot now be heard or tried by this Convention.

Third. And as to the said three several charges preferred as aforesaid, and as to each of them this respondent says that he is not guilty of them or either of them, and he denies therein each of them.

Fourth. And for a further response to said several charges, and each of them, this respondent says that none of the matters therein charged or stated, were done or committed while this Convention was in actual session, if at all; and that so this Convention has no jurisdiction or authority to examine or try the same.

Fifth. And for a further answer to said third charge, this respondent says that his said alleged absence, therein set forth, was caused by his sickness, whereby he was unable to attend the sessions of said Convention, or to participate in the proceedings thereof; wherefore he prays that the said charge be disallowed, etc.

W. P. Harris,
G. L. Potter,
*Attorneys for Respondent.*

Mr. Alderson moved that the Secretary read the testimony submitted on behalf of the prosecution;

Which was carried, by the following vote:

Yeas—Messrs. Alderson. Alcorn, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Drane, Fawn, Handy, Hauser, Jacobs, Johnson, Lawson, Leas, Leonard, Mayson, Musgrove, Moore, Mygatt, Newsom, Parsons J. R., Quinn, Railsback, Richardson, Smith, Stewart, Stringer, Toy, Warren, Weir, Williams, Woodmansee, and Yeoman—40.

NAYS—Messrs. Field, Goss, Hemmingway, Johnson S., Longmire, McKnight, Nesbitt, Peyton E. G., Stiles, Walker—10.

Mr. Railsback moved that the rules be suspended so that when the Convention adjourn it be to meet at 7½ o'clock this evening;

Which was carried.

Messrs. Alcorn and Goss were granted leaves of absence for this evening.

The Convention adjourned to meet to-night at 7½ o'clock.

## NIGHT SESSION.

Convention met pursuant to adjournment.

Upon calling the roll, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Barry, Beam, Bridges, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Compton, Conley, Dalton, Drane, Elliott, Fawn, Field, Handy, Hauser, Hemmingway, Hutto, Jacobs, Johnson S., Johnson A., Lawson, Leas, Leonard, Longmire, Mayson, Musgrove, Moore, Mygatt, McKnight, Nesbitt, Ozanne, Parsons J. R., Peyton E. G., Quinn, Railsback, Richardson, Smith, Stewart, Stovall, Stringer, Stiles, Toy, Vaughan, Walker, Warren, Weir, Williams, Woodmansee, and Yeoman—54.

The following delegates were absent:

Messrs. Alcorn, Ballard, Bonney, Brinson, Collins, Cunningham, Dowd, Elliott John, Fitzhugh, Gaither, Gibbs, Goss, Gray, Herbert, Holland, Howe, Jamison, Jones, Kerr, Lack, Mask, Montgomery, Miles, Morgan, Myers, McCutchen, McKee, Neilson, Orr, Parsons F.. Peyton, E. A., Phillips, Powell, Rainey, Stites, Stricklin, Townsend, and Watson—39.

On motion of Mr. Castello, the Sergeant-at-Arms was directed to bring in the absent members.

Mr. Railsback moved to adopt the resolution submitted to the Convention this morning in connection with the report submitted by the committee relating to Mr. Merryman, of Lauderdale. The resolution reads as follows:

*Resolved*, That the said Merryman be expelled from this Convention, and that his seat be declared vacant, from and after the 6th day of March, 1868.

Which was adopted, by the following vote:

YEAS—Messrs. Alderson, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Clarke, Combash, Drane, Fawn, Handy, Hauser, Jacobs, Johnson A., Lawson, Leas, Leonard, Mayson, Musgrove, Moore, Mygatt, Newsom, Ozanne, Parsons F., Parsons, J. R., Peyton E. G., Railsback, Richardson, Smith, Stewart, Stringer, Toy, Warren, Weir, Williams, Yeoman—38.

NAYS—Messrs. Compton, Dalton, Elliott James, Field, Hemmingway, Hutto, Johnson S., Longmire, McKnight, Stovall, Stiles, Vaughan, Walker—13.

On motion of Mr. Leas, the Convention adjourned to meet at 9 o'clock to-morrow morning.

T. P. SEARS,
*Secretary.*

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## FIFTY-THIRD DAY.

JACKSON, MISS., Saturday, March 7th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Compton, Conley, Cunningham, Dalton, Drane, Elliott James, Fawn, Field, Goss, Handy, Hemmingway, Jacobs, Johnson S., Johnson A., Jones, Lawson, Leas, Leonard, Longmire, Mayson, Moore, Mygatt, McKnight, Nesbitt, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton E. G., Quinn, Railsback, Richardson, Smith, Stewart, Stovall, Stringer, Townsend, Toy, Vaughan, Walker, Warren, Weir, Williams, Woodmansee, Yeoman—59.

The following delegates were absent:

Messrs. Collins, Dowd, Elliott John, Fitzhugh, Gaither, Gibbs, Gray, Hauser, Herbert, Holland, Howe, Hutto, Jamison, Kerr, Lack, Mask, Musgrove, Montgomery, Miles, Morgan, Myers, McCutchen, McKee, Nielson, Nelms, Orr, Peyton E. A., Phillipps, Powell, Rainey, Stites, Stricklin, Stiles, Watson—35.

Journal of yesterday read and approved.

Leaves of absence were granted to the following named gentlemen, for the period affixed to their names:

To Mr. Holland for eight days; to Mr. Hauser for one day; lo Mr. McKee for one day; to Mr. Musgrove for three days; and to the President until Monday noon.

JACKSON, MISS., March 6, 1868.

*To the Honorable President and Members of the Convention:*

I have seen in the official Journal, and have had laid before me this day as printed, the report of the committee of Franchise, to which I cannot subscribe. My ill health has of late prevented my appearance on committee meetings, yet I was not notified, though in the city, that the report of the said committee would be made on that day, nor had I any notice that it had been made, until I saw the report in the official Journal of the Convention yesterday.

As I am a member of said Franchise Committee, for the above reason, I respectfully ask leave of the Convention to bring in a minority report on Monday next.

I have the honor to be,
Very Respectfully,
A. T. MORGAN,
*Delegate from the County of Yazoo.*

In accordance with the above request, the Convention granted leave for the gentleman to present a minority report on the subject alluded to.

*To the Honorable President and Members of the Constitutional Convention:*

Your Finance Committee would respectfully represent that the following section of the tax ordinance, as amended and passed by this Convention, February 27th, 1868, is in direct conflict with other and more important sections, to-wit: Sections 13, 14, and 16, and that said section is of no material use in said ordinance; your committee would, therefore, recommend that said section be repealed.

The section reads as follows:

SECTION 24. *Be it further ordained,* That the State Treasurer shall receive and disburse all money collected under and by virtue of this ordinace; *Provided,* That no disbursement shall be made except upon warrants issued by the Auditor of Public Accounts of the State of Mississippi, upon certificates signed by the President, and countersigned by the Secretary of this Convention. He shall as often as may be deemed necessary by this Convention, furnish a detailed statement of all moneys received and disbursed by him in accordance with this ordinance, and all books and papers in his office, relating to this Convention, shall at all times be open to the inspection of the Finance or other committee, specially appointed by this Convention for that purpose.

F. PARSONS,
*Chairman.*

Report received.

And on motion of Mr. Parsons, of Adams, the rules were suspended, that immediate action might be had on the report of the committee.

Mr. Parsons, of Adams, moved that the recommendation of the committee be adopted.

The motion was carried, and section twenty-four of the ordinance, passed February 27, 1868, providing for the levy and collection of a tax to defray the expenses of this Convention, was repealed.

The committee on Contingent Expenses, submitted the following:

MR. PPESIDENT: Your committee on Contingent Expenses would repectfully report, that the bill hereto annexed for fuel furnished the Convention has been examined and found correct, and would recommend that the same be allowed.

Respectfully,
U. Ozanne, *Chairman.*
S. C. Conley,
J. Railsback,
W. H. Gibbs,
J. C. Brinson,
*Committee.*

The bill above alluded to is that of A. J. Herrod, for fuel furnished the Covention up to the 3d of March, 1868, and amounts to $172 20.

Mr. President: The bill hereto annexed, referred to the committee on Contingent Expenses, has been duly examined and found correct; and said committee would recommend that the same be allowed.

Respectfully,
U. Ozanne, *Chairman.*
S. C. Conley,
J. Railsback,
W. H. Gibbs,
John C. Brinson,
*Committee.*

The bill above alluded to is that of the committee appointed to confer with Gen. Gillem in reference to the last Tax Ordinance passed by this Convention, being expenses incurred by them in attending to the same, and is $25 75.

The reports were received, and on motion of Mr. Parsons, of Adams, the rules were suspended to take further action on the same.

Mr. Compton moved to recommit the bills to the committee;

Which was lost.

And the reports of the committee were adopted, and warrants ordered to be issued.

Mr. Alderson moved that the rules be suspended to enable Mr. Caldwell, of Hinds, to introduce a resolution;

Which was carried.

Mr. Caldwell, of Hinds, submitted the following:

Whereas, It has come to the knowledge of this Convention that many of the colored people of this State came into possession of personal property in 1863–64–65, by lawful means; and

*Whereas,* Since the surrender of the rebel armies, many white persons, pretending to have been masters and owners of said colored persons, have come forward and claimed said property thus owned by said colored persons, on the ground that the said personal property was acquired by them while in a state of slavery, and have seized said property under the old plea that said colored persons were then slaves, and that all property acquired by them while in that condition, belonged absolutely, by operation of law, to their masters; and

*Whereas,* Great frauds have been committed in this way by evil-disposed white persons, in seizing and taking away, and appropriating to themselves said property, without regard to right and justice; and

*Whereas*, Courts of law have hitherto failed to mete out equal and exact justice to said colored persons in protecting them in their lawful rights; therefore, be it

*Resolved*, That all persons that have heretofore seized, or shall hereafter seize any property in this way, under such pretended right to such property, be compelled to restore said property and reasonable damages for such seizure; and in case such property cannot be restored, then the persons so taking it shall pay the full value of said property so seized and taken away, and appropriated as aforesaid.

*Resolved*, That Maj. Gen. Gillem be requested by this Convention to issue a special order to enforce the above resolution, to the end that such property so seized and appropriated, or its value, be restored to the persons from whom it was taken.

*Resolved*, That the President sign these resolutions, and the Secretary immediately forward the same to Maj. Gen. Gillem.

Mr. Compton moved to lay the preamble and resolutions on the table;

Which was lost.

Mr. Compton moved to indefinitely postpone the preamble and resolutions;

Which was laid on the table.

And the preamble and resolutions of Mr. Caldwell were adopted.

The rules were suspended to take action on the report of the committee on Contingent Expenses, submitted to the Convention February 26th, embracing the account of Messrs. Ash & Lemly, for pencils furnished the Convention.

And the account was allowed and ordered paid.

The Convention took up for consideration the report of the committee on Education.

Section 4, as amended by Mr. Castello, March 5th, reads as follows:

There shall be a Superintendent of Public Education, who shall be appointed by the Board of Education, by and with the advice and consent of the Senate; *Provided*, That the Legislature shall have power to make said office of County School Superintendent of the several counties elective, as other county officers are, after the year 1872, whose term of office shall be two years, and whose compensation and duties shall be prescribed by law.

Previous question ordered; and the amendment was adopted.

And section 4 was adopted.

Section 5:

Mr. Stringer moved to amend as follows:

Add to the end of the third line the words "and the parents, guardians, and others who may have the lawful control of any child, of an age sufficient to attend school, shall by law, be compelled to send the child to school at least four months in each year until the child is fifteen years of age.

Mr. Stovall offered the following amendment:

"*Provided*, That separate schools for the white and colored children be maintained in each district; *And provided, further*, That should there not be a sufficient number of either race to maintain a separate school, the minority race shall have the privilege of sending to school in an adjoining district, and be entitled to their *pro rata* of the school funds the same as if the school was taught in their own district."

Mr. Jacobs moved to lay on the table;

Which was lost, by the following vote:

YEAS—Messrs. Alderson, Brinson, Caldwell, Clarke, Field, Gibbs, Handy, Jacobs, Johnson A., Lawson, Leonard, Mayson, Moore, Newsom, Parsons F., Parsons J. R., Stewart, Stringer, Toy, Warren, Woodmansee, Yeoman—22.

NAYS—Messrs. Alcorn, Ballard, Barry, Beam, Bridges, Chapman, Chappell, Compton, Conley, Cunningham, Dalton, Elliott James, Fawn, Goss, Hemmingway, Johnson S., Jones, Leas, Longmire, McKnight, Ozanne, Peyton E. G., Quinn, Railsback, Richardson, Smith, Stovall, Stiles, Townsend, Vaughan, Walker, Weir, Williams—33.

Mr. Castello moved to suspend the rules for the purpose of introducing the following motion:

Which was carried.

Mr. Castello moved that the Convention do now adjourn until 10 o'clock, Monday morning;

Which was carried.

Convention adjourned until Monday morning at10 o'clock.

T. P. SEARS,
*Secretary.*

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## FIFTY-FOURTH DAY.

JACKSON, MISS., Monday, March 9th, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs, Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Compton, Conley, Cunningham, Dalton, Drane, Elliott James, Fawn, Field, Gibbs, Goss, Handy, Hauser, Hemmingway, Herbert, Jacobs, Johnson S., Johnson A., Jones, Lawson, Leas, Leonard, Longmire, Mayson, Montgomery, Moore, McKnight, Nesbitt, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Quinn, Railsback, Smith, Stewart, Stovall, Stringer, Stiles, Townsend, Toy, Vaughan, Walker, Warren, Weir, Woodmansee, Yeoman—63.

The following delegates were absent:

Messrs. Bridges, Collins, Dowd, Elliott John, Fitzhugh, Gaither, Gray, Holland, Howe, Jamison, Kerr, Lack, Longmire, Mask, Musgrove, Miles, Morgan, Myers, Mygatt, McCutchen, McKee, Nelms, Orr, Phillips, Powell, Rainey, Stewart, Stites, Stricklin, Watson, Williams—31.

The Journal of Saturday was read and approved.

Leaves of absence were granted the following named delegates for the periods affixed to their names:

To Mr. Mygatt, two days; to Mr. Morgan, two days; and to Mr. Williams, two days.

Mr. Compton moved that all leaves of absence granted to all those absent be extended from day to day until their return.

Mr. Hauser moved to lay the motion on the table;

Which was carried.

Mr. Castello moved a suspension of the rules, to permit him to introduce a resolution;

Which was carried.

Mr. Castello offered the following:

*Resolved*, That the Secretary be directed to telegraph to Gen. Alvin C. Gillem, and request him to inform the Convention by telegraph, to-day, when he will issue his order enforcing the collection of the tax levied to pay expenses thereof.

Mr. Compton moved to strike out all after "resolved," and insert, "That Mr. Castello, of Adams, be appointed a committee of one to proceed, without delay, to Vicksburg and counsel with General Gillem, and ascertain from him, definitely, when and in what manner he will dispose of the tax bill recently referred to him, and that the said committee be directed to use the greatest dispatch in executing this commission."

Mr. Field moved to amend as follows:

That Mr. Compton, of Marshall, be added to the committee.

Mr. Castello moved to lay all amendments on the table;

Which was carried.

And the resolution of Mr. Castello was adopted.

Mr. Castello moved to suspend the rules to proceed to the consideration of the report of the committee on Education;

Which was carried.

The consideration of the amendment of Mr. Stovall, introduced Saturday last (March 7th), was resumed.

Mr. Cunningham moved that the amendment and the amendment to the amendment be laid on the table.

And the motion of Mr. Cunningham was carried, by the following vote:

YEAS—Messrs. Alderson, Ballard, Bonney, Bridges, Brinson, Caldwell, Castello, Chappell, Clarke, Cunningham, Drane, Fawn, Field, Gibbs, Handy, Hauser, Herbert, Jacobs, Johnson A., Lawson, Leas, Leonard, Mayson, Moore, Newsom, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Quinn, Railsback, Richardson, Stewart, Stites, Stringer, Toy, Warren, Weir, Woodmansee, Yeoman—40.

Nays—Messrs. Alcorn, Barry, Beam, Combash, Compton, Conley, Dalton, Elliott James, Goss, Hemmingway, Johnson S., Jones, Montgomery, McKnight, Nesbitt, Smith, Stovall, Stiles, Townsend, Vaughan, Walker—21.

Mr. Compton moved to amend as follows:

After the word "year," insert the words, "*Provided*, That two schools shall be maintained in each school district at least four months in each year—one school for white children exclusively, the other for colored children; which schools shall be kept separate and distinct."

Mr, Peyton, of Copiah, moved to lay the amendment on the table;

Which was carried, by the following vote:

Yeas—Messrs. Alderson, Ballard, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Cunningham, Drane, Fawn, Gibbs, Handy, Hauser, Jacobs, Johnson A., Lawson, Leas, Leonard, Mayson, Moore, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Railsback, Stewart, Stites, Stringer, Toy, Warren, Weir, Woodmansee, and Yeoman—40.

Nays—Messrs. Alcorn, Beam, Compton, Conley, Dalton, Elliott James, Goss, Johnson S., Montgomery, McKnight, Smith, Stovall, Stites, Townsend, Vaughan, and Walker—16.

Mr. Compton moved to strike out the word "a," in first line, and add "s" to schools.

Mr. Alderson moved to amend section 5, in the 1st line by inserting between the words "school" and "shall," the words "or schools."

And in the 3d line, insert "3" in place of "4."

Mr. Gibbs moved the previous question;

Which was sustained.

And the amendment of Mr. Alderson was lost.

And the amendment of Mr. Compton was lost.

And section 5, as printed, was adopted, by the following vote:

Yeas—Messrs. Ballard, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Drane, Fawn, Field, Gibbs, Handy, Hauser, Jacobs, Johnson A., Lawson, Leonard, Mayson, Moore, McKnight, Newsom, Parsons J. R., Peyton E. G., Peyton E. A., Quinn, Railsback, Richardson, Stewart, Stites, Stringer, Toy, Warren, Weir, Woodmansee and Yeoman—39.

Nays—Messrs. Alderson, Alcorn, Beam, Compton, Conley, Cunningham, Dalton, Elliott James, Goss, Hemmingway, Johnson S., Jones, Leas, Montgomery, Ozanne, Parsons F., Smith, Stovall, Stiles, Townsend, Vaughan, Walker—23.

And the section reads as follows:

Sec. 5. A school shall be maintained in each school district at least four months in each year. Any school district neglecting to maintain such schools shall be deprived for that year of its proportion of the income of the free school fund, and of all funds arising from taxes for the support of schools.

The Convention adjourned until 5 o'clock this evening.

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Clarke, Combash, Compton, Conley, Cunningham, Dalton, Drane, Elliott James, Fawn, Gibbs, Goss, Handy, Hauser, Jacobs, Johnson S., Johnson A., Lawson, Leas, Leonard, Mayson, Moore, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Quinn, Railsback, Richardson, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Townsend, Toy, Walker, Warren, Woodmansee, Yeoman—51.

The following delegates were absent:

Messrs. Alderson, Chappell, Collins, Dowd, Elliott John, Field, Fitzhugh, Gaither, Gray, Hemmingway, Herbert, Holland, Howe, Hutto, Jamison, Jones, Lack, Longmire, Mask, Musgrove, Montgomery, Miles, Morgan, Myers, Mygatt, McCutchen, McKee, McKnight, Neilson, Nelms, Nesbitt, Orr, Peyton E. G., Phillips, Powell, Rainey, Stricklin, Vaughan, Watson, Weir, and Williams—41.

The following telegram was received from the headquarters of the General commanding the Fourth Military District:

VICKSBURG, MISS., March 9, 1868.

Received at Jackson, March 9, 1868.

*To Hon. T. P. Sears, Secretary of Convention:*

The order for publishing the tax ordinance is in press, dating the 6th inst., and will be promulgated to-morrow.

JOHN TYLER,
*A. A. A. G.*

Mr. Compton moved that Mr. Combash be granted leave of absence for four days.

Mr. Gibbs moved to lay on the table;

Which was lost, by the following vote:

YEAS—Messrs. Alderson, Barry, Bonney, Brinson, Caldwell, Castello, Fawn, Gibbs, Handy, Jacobs, Johnson A., Lawson, Leas, Leonard, Mayson, Moore, Newsom, Ozanne, Parsons J. R., Peyton E. A., Peyton E. G., Smith, Stewart, Stringer, Toy, and Woodmansee—26.

NAYS—Messrs. Ballard, Beam, Bridges, Chapman, Clarke, Compton, Conley, Cunningham, Dalton, Drane, Elliott James, Goss, Johnson S., Jones, McKnight, Parsons F., Quinn, Railsback, Richardson, Stites, Stovall, Stiles, Townsend, Vaughan, Walker, and Warren—27.

And the motion of Mr. Compton was lost.

Mr. Compton moved that Mr. Combash be granted a leave of absence for one day;

Which was laid on the table.

Mr. Combash was granted leave of absence for this evening.

The President presented a communication from Headquarters, Fourth Military District, containing accounts of sundry Deputy Sheriffs for Monroe county.

Mr. Compton, of Marshall, moved that the accounts be returned to Gen. Gillem without comment.

Previous question called, call not sustained; and the consideration of the subject lies over.

The Convention resumed the consideration of the report of the committee on Education.

Section 6:

Mr. Goss moved to amend the section as follows:

After the word "lands," in the eighth line, insert the words, "except the swamp lands lying and situated on Pearl river, in the counties of Hancock, Marion, Lawrence, Simpson, and Copiah;"

Which was carried.

And section 6 was adopted as amended, and reads as follows:

Sec. 6. There shall be established a common school fund, which shall consist of the proceeds of the lands now belonging to the State, heretofore granted by the United States, and the lands known as "swamp lands," except the swamp lands lying and situated on Pearl river, in the counties of Hancock, Marion, Lawrence, Simpson, and Copiah, and of all lands now or hereafter vested in the State by escheat or purchase or forfeiture for taxes, and the clear proceeds of all fines collected in the several counties, for any breach of the penal laws, and all moneys received for licenses granted for the sale of intoxicating liquor, or keeping of dram shops, all moneys paid as an equivalent for persons exempt from military duty, and the funds arising from the consolidation of the congressional township funds, and lands belonging thereto, together with all moneys donated to the State for school purposes, shall be securely invested in United States bonds, and remain a perpetual fund, which may be increased, but not diminished, the interest of which shall be inviolably appropriated for the support of free schools.

Section 7:

Mr. Hauser moved to strike out the word "two," in the third line, and insert the word "one."

A motion to lay on the table was lost.

Mr. Compton moved to amend as follows:

At the close of the section, add: "*Provided*, That no tax shall be levied upon any person not an elector under the Constitution of this State."

A motion to lay on the table was carried.

Mr. Barry moved to strike out all after the word "tax," in second line, to the word "in," in the third line.

A motion to lay on the table was lost.

And the amendment of Mr. Barry was adopted.

And the amendment as amended was lost.

Convention adjourned until to-morrow morning, at 9 o'clock.

T. P. Sears,
*Secretary.*

## FIFTY-FIFTH DAY.

Jackson, Miss., Tuesday, March 10th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Compton, Conley, Cunningham, Dalton, Dowd, Drane, Elliott Jas., Fawn, Field, Gibbs, Goss, Handy, Hauser, Hemmingway, Herbert, Howe, Jacobs, Johnson S., Johnson A., Jones, Lawson, Leas, Leonard, Mayson, Montgomery, Moore, Morgan, Myers, McKee, McKnight, Nesbitt, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Quinn, Railsback, Richardson, Smith, Stewart, Stites, Stovall, Stringer, Townsend, Toy, Vaughan, Warren, Weir, Woodmansee, and Yeoman—67.

The following delegates were absent:

Messrs. Collins, Elliott John, Fitzhugh, Gaither, Gray, Holland, Hutto, Jamison, Kerr, Lack, Longmire, Mask, Musgrove, Miles, Mygatt, McCutchen, Neilson, Nelms, Orr, Phillips, Powell, Rainey, Stricklin, Stiles, Walker, Watson and Williams—27.

Journal of yesterday read and approved.

Leave of absence was granted to Mr. Powell for three days; and to Mr. Gray for four days.

The committee on Militia submitted the following report:

Mr. President: The undersigned, of the committee on Militia, respectfully submit the following report, and ask that it be made a part of the Constitution of the State of Mississippi, as article ———.

A. T. Morgan, *Chairman.*
E. A. Peyton,
C. P. Neilson,
E. R. Smith,
W. A. Hutto,
W. G. Vaughan,
J. M. Phillips,
Geo. C. McKee,
E. Handy,
Cyrus Myers.

SECTION 1. All able-bodied male citizens of this State, between the ages of (18) eighteen and (45) forty-five years, shall be liable to military duty in the militia of this State, in such manner as the Legislature shall provide, not incompatible with this Constitution and the Constitution and laws of the United States.

SEC. 2. The Legislature shall provide for the organizing, arming, equipping, and discipline of the militia, and for paying the same when called into active service.

SEC. 3. It shall be the duty of the first Legislature to make such laws as shall be necessary to immediately create an effective militia in this State.

SEC. 6. All officers of the milita, except non-commissioned officers, shall be appointed by the Governor by and with the consent of the Senate, and shall hold their office during good behavior, and shall be chosen for their military knowledge, their experience in arms and their fidelity and loyalty, and no commissioned officer shall be removed from office except by the Senate, on recommendation of the Governor, stating the grounds on which such removal is recommended, or by the decision of a court martial pursuant to law, or at his own request.

SEC. 5. The Governor shall be Commander-in-Chief of the militia, except when called into the service of the United States, and shall have power to call forth the militia to execute the laws, repel invasion, and to suppress riots and insusrections.

SEC. 6. The Governor shall nominate and by and with the consent of the Senate, commission one Major General, who shall be a citizen of the State and a resident of the District for which he is commissioned to each Congressional District, and such District shall constitute a Militia Division.

SEC. 7. The Adjutant General and other staff officers to the Commannder-in-Chief shall be appointed by the Governor, and their appointment shall expire with the Governor's term of service.

SEC. 8. The militia shall be exempt from arrest during their attendance on musters and in going to and from the same, except in case of treason, felony or breach of the peace.

Report received, and one hundred copies ordered to be printed.

The following report of Mr. Morgan, of the committee on Franchise, was read:

*To the Hon. President and Members of the Convention*:

The undersigned of the Committee on Franchise, respectfully submits the following minority report.

A. T. MORGAN.

SEC. 1. All elections by the people shall be by ballot.

SEC. 2. All male inhabitants of this State (except Indians not taxed), born in the United States, or naturalized, twenty-one years old and upward, who have resided in this State one year, and in the county in which said inhabitant offers to vote, three months, and who are duly registered according to the requirement of section three, of this article, and who are not disqualified by reason of any crime, are declared to be qualfiied electors.

Sec. 3. The Legislature shall provide by law for the registration of all persons entitled to vote at any election, and all persons entitled to register shall take and subscribe to the following oath or affirmation: "I ———, do solemnly swear (or affirm), in the presence of Almighty God, that I am twenty-one years old; that I have resided in this State one year, and in ——— county three months; that I will faithfully support and obey the Constitution and laws of the United States and of the State of Mississppi, and will bear true faith and allegiance to the same; that I am not disfranchised in any of the provisions of the acts known as the Reconstruction Acts of the 39th and 40th Congress; and that I admit the political and civil equality of all men; so help me God." *Provided*, That if Congress shall at any time remove the disabilities of any person disfranchised in the said Reconstruction Acts of the said 39th and 40th Congress, then so much of this oath, and so much only as refers to the said Reconstruction Acts, shall not be required of such person, so pardoned, to entitle him to be registered.

Sec. 4. No person shall be eligible to any office of profit or trust, or to any office in the militia of this State, who is not a qualified elector.

Sec. 5. No person shall ever be eligible to the office of Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor of Public Accounts, Superintendent of Public Instruction, or to the office of Judge of the Supreme Court, or to a seat in either branch of the Legislature of this State, who ever held any office of profit or trust, civil or military, by election or appointment, under the late so-called Confederate States Govererrnment, or who ever voluntarily bore arms against the United States, or aided and abetted the said Confederate Government in any manner.

Report received, and one hundred copies ordered to be printed.

Mr. Compton moved to suspend the rules, to take action on a communication read for the information of the Convention;

Which was lost.

Mr. Gibbs moved to suspend the rules, that he might introduce a resolution;

Which was lost.

Mr. Cunningham moved to suspend the rules and take up the report of the committee on Education;

Which was carried.

And the rules were suspended, and the Convention proceeded to the further consideration of the report of the committee on Education.

Section 7:

Mr. Conley offered to amend the section as follows:

Strike out the words "two dollars," in the third line, and insert the words "fifty cents;" and strike out all after the word "fund," in the fourth line.

Mr. Beam moved to amend the section as follows:

Strike out all after the word "the," and insert the following: "Legislature may levy a poll-tax not to exceed one dollar *per capita*, for the purpose of creating a common school fund, and for no other purposes."

A motion to lay on the table was lost.

And the amendment to the amendment was lost;

And the amendment of Mr. Conley was laid on the table.

Mr. Field moved to amend the section as follows:

Strike out the words "and for no other purposes."

Mr. Townsend moved to amend the section as follows:

Insert at the close of the section, the following: *Provided*, That no poll-tax shall be levied upon any person who may be disqualified to hold office under the Constitution of this State;

Which was laid on the table.

The previous called, call sustained;

And the amendment of Mr. Field was lost.

And section 7 was adopted, as printed, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Dowd, Drane, Elliott James, Fawn, Handy, Hauser, Herbert, Howe, Jacobs, Johnson A., Jones, Lawson, Leas, Leonard, Mayson, Moore, Myers, McKee, McKnight, Newsom, Ozanne, Parsons J. R., Peyton E. A., Peyton E. G., Quinn, Railsback, Richardson, Smith, Stewart, Stovall, Stringer, Toy, Vaughan, Warren, Weir, Woodmansee, and Yeoman—47.

NAYS—Messrs. Ballard, Barry, Beam, Bonney, Compton, Conley, Dalton, Field, Gibbs, Goss, Hemmingway, Johnson S., Montgomery, Parsons F., Townsend, and Walker—16.

Section 7 reads as follows:

SECTION 7. The General Assembly may levy a poll-tax not to exceed two dollars *per capita* in aid of the school fund, and for no other purpose.

Mr. Gibbs moved to reconsider the vote adopting section 5.

The previous question was called, call sustained;

And the motion to reconsider was carried.

Section 5:

Mr. Castello moved to amend as follows:

Insert after the word "a," the word "public," and after the word "school," in first line, the words "or shools;"

And insert after the word "such," in 5th line, the words "schools or."

Mr. Cunningham moved the previous question;

Which was sustained.

And the amendment of Mr. Castello was adopted by the following vote:

YEAS—Messrs. Alcorn, Ballard, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Conley, Cunningham, Dowd, Drane, Elliott James, Fawn, Field, Handy, Hauser, Howe, Jacobs, Johnson, S., Johnson A., Lawson, Leas, Leonard, Mayson, Moore, Myers, McKee, McKnight, Ozanne, Parsons J. R., Peyton E. A., Peyton E. G., Quinn, Railsback, Richardson, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Vaughan, Warren, Weir, Woodmansee, Yeoman—53.

Nays—Messrs. Alderson, Barry, Compton, Dalton, Gibbs, Goss, Hemmingway, Jones, Montgomery, Parsons F., Townsend—11.

And section 5 was adopted as amended, and reads as follows:

Sec. 5. A public school or schools shall be maintained in each school district at least four months in each year. Any school district neglecting to maintain such school or schools shall be deprived that year of its proportion of the income of the free school fund and of all funds arising from taxes for the support of schools.

Section 6:

Mr. Parsons, of Adams, moved to reconsider the vote adopting section 6 yesterday;

Which was lost.

Section 8:

Mr. Parsons, of Adams, moved to strike out section 8;

Which was carried.

Section 9:

Mr. Alderson moved to amend the section as follows:

In fourth line, after the word "college," insert the words "or colleges."

Mr. Weir moved to amend the section as follows:

Insert at the end of the section, the words "in each school district;

Which was lost.

Mr. Cunningham moved to amend section 9 as follows:

Strike out the words "agricultural college," in the fourth line, and insert the words "House of Refuge, on the plan of the House of Refuge of the State of Pennsylvania;"

Which was laid on the table.

And the amendment of Mr. Alderson was lost.

And section 9 was adopted as amended, and reads as follows:

Sec. 9. The Legislature shall, as soon as practicable, provide for the establishment of an Agricultural College, and shall appropriate the two hundred and ten thousand acres of land donated to the State for the support of such a college by the Act of Congress, passed July 2, 1865, or the money or scrips, as the csse may be, arising from the sale of said lands or any lands which may hereafter be granted, or appropriated for such purpose.

Section 10 was adopted as printed, and reads as follows:

Sec. 10. No religious sect or sects shall ever control any part of the school or university funds of this State.

Section 11:

Mr. Compton moved to amend as follows:

Strike out the word "shall," in the second line, and insert the word "may," and insert between the words "State" and "for," in the eighth line, the words "if necessary."

Mr. Gibbs moved to indefinitely postpone the consideration of section 11 and amendments;

Which was laid on the table.

Mr. Gibbs moved to recommit the section to the committee;

Which was laid on the table.

Mr. Cunningham moved to amend the section as follows:

Strike out all after the word "ages," in the twenty-eighth line.

A motion to lay on the table was lost.

And the amendment of Mr. Cunningham was adopted.

Mr. Parsons, of Adams, moved to amend as follows:

Strike out all after the words "section 11," and insert the following "the Legislature shall, from time to time, as may be necessary, provide for the levy and collection of such taxes as may be required to properly support the system of free schools herein adopted.

The Convention adjourned until 3 o'clock this evening.

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Clarke, Compton, Conley, Cunningham, Dalton, Dowd, Drane, Fawn, Gibbs, Goss, Handy, Hauser, Hemmingway, Holland, Howe, Jacobs, Johnson A., Johnson S., Jones, Lawson, Leas, Leonard, Montgomery, Myers, McKee, McKnight, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Quinn, Railsback, Richardson, Smith, Stewart, Stovall, Stringer, Stiles, Townsend, Toy, Warren, and Yeoman—56.

The following delegates were absent:

Messrs. Collins, Combash, Elliott John, Field, Fitzhugh, Gaither, Gray, Herbert, Hutto, Jamison, Kerr, Lack, Longmire, Mayson, Mask, Miles, Morgan, Mygatt, McCutchen, Neilson, Nelms, Orr, Phillips, Powell, Rainey, Stites, Stricklin, Vaughan, Walker, Watson, Weir, Williams, and Woodmansee—34.

The Convention resumed the consideration of the report of the committee on Education.

Mr. Compton moved to lay the amendment of Mr. Parsons on the table;

Which was lost.

And the amendment of Mr. Parsons was adopted.

Mr. Castello moved to lay the amendment as amended on the table;

Which was lost.

Mr. Parsons, of Adams, moved the adoption of section 11 as amended, which reads as follows:

Section 11. The Legislature shall, from time to time, as may be necessary, provide for the levy and collection of such tax as may be required to properly support the system of free schools herein adopted.

And the section was adopted, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Chapman, Cunningham, Elliott James, Fawn, Field, Gibbs, Goss, Handy, Jacobs, Johnson A., Johnson S., Jones, Leas, Leonard, Mayson, Moore, Myers, McKee, McKnight, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton E. G., Quinn, Railsback, Richardson, Smith, Stites, Stovall, Stringer, Stiles, Toy, and Warren—42.

Nays—Messrs. Ballard, Clarke, Compton, Conley, Dalton, Dowd, Drane, Hemmingway, Howe, Lawson, Montgomery, Peyton E. A., Stewart, Townsend, Weir, and Yeoman—16.

Section 12:

The following was proposed by Mr. Castello as an additional section:

Section —. No part of the public school fund shall ever be invested in the State stocks or bonds, or obligations of this or any other State, or of any county, city, town or corporation. Any moneys which now or hereafter may belong to the School Fund may be loaned upon good and sufficient unincumbered real estate.

Mr. McKee moved to strike out all after the word "corporation;" which was lost.

And the section offered by Mr. Castello was lost.

Mr. Dowd offered the following as an additional section:

Section —. *Be it further provided*, That no person who fails or refuses to pay the tax herein levied shall be permitted to vote at any election in the State.

A motion to lay on the table was lost.

Mr. Compton offered the following:

*Provided*, That no tax shall be levied on any person who shall not be an elector under the Constitution of this State;

Which was laid on the table.

Mr. Stovall offered the following:

Amend by inserting the words, "that they shall not vote after the year 1870, unless they satisfy the judges of election that they have paid their taxes the year preceding;"

Which was laid on the table.

A motion to adjourn was lost.

And the section proposed by Mr. Dowd was lost.

Mr. Clarke moved that two hundred copies of the report of the Educational and Executive Committees be printed for the use of the Convention; which was carried.

Mr. Parsons, of Adams, moved to refer a communication from Headquarters, Fourth Military District, inclosing the account of the Deputy Sheriffs of Monroe county to the Finance Committee; which was carried.

Convention adjourned until to-morrow morning at 9 o'clock.

T. P. Sears,
*Secretary.*

## FIFTY-SIXTH DAY.

Jackson, Miss., Wednesday, March 11th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Compton, Cunningham, Conley, Dalton, Drane, Dowd, Elliott James, Fawn, Field, Gibbs, Goss, Gray, Handy, Hauser, Hemmingway, Howe, Jacobs, Johnson A., Johnson S., Jones, Kerr, Lawson, Leas, Leonard, Mayson, Montgomery, Miles, Moore, Myers, Mygatt, McKee, McKnight, Newsom, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Quinn, Railsback, Richardson, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Vaughan, Walker, Warren, Weir, Woodmansee, and Yeoman—67.

The following delegates were absent:

Messrs. Collins, Combash, Elliott John, Fitzhugh, Gaither, Herbert, Holland, Hutto, Jamison, Lack, Longmire, Mask, Musgrove, Morgan, McCutchen, Neilson, Nelms, Nesbitt, Orr, Ozanne, Phillips, Powell, Rainey, Stricklin, Townsend, Watson, Williams—27.

Journal of yesterday read and approved.

Leaves of absence were granted to the following named delegates for the period affixed to their names:

Mr. John Elliott, for ten days; Mr. Townsend, for twenty-four hours; Mr. Mask, for seven days; Mr. Weir, for ten days; Mr. Ozanne, for five days; Mr. Musgrove, for five days; Mr. Combash, for two days.

The committee on Enrollment announced that they had no further use for the services of their clerk.

Mr. Chapman moved to suspend the rules to enable him to introduce a communication;

Which was carried.

*To the Honorable President and Gentlemen of the Convention:*

In accordance with your request I submit the following statements upon the subject of levees:

This subject is perhaps of as much importance as any of which we, as delegates to this Convention, will have to deliberate upon, and will require much earnest and profound meditation. We should look to the past efforts which have been made to keep the water from covering the Mississippi valley, and we should note the success or the failure of those efforts. Then we should look to the present and the future, and see if any improvements can be made in the system of levying which will promise greater and more beneficial results.

Then permit me to point out some of the defects and inconsistencies in the old system of levying and recommend a new system more in accordance with reason and common sense.

When the Mississippi river, at the command of the Creator, came into existence and took up its meandering course through the valley, it is but reasonable to suppose that it took for its bed the lowest place in the valley. As time rolled on and the annual floods came down from the mountains of the great Northwest, alluvial deposits were left on the banks. Also, deposits were left in the bed of the river, and the river became elevated thereby. The bed of the river becomes elevated in proportion to the deposits made on the banks. This process has been going on from the beginning of time, and now we find the Mississippi river on a ridge twenty or thirty feet above where it originally stood, or above the surrounding valley. Every year the evil is increasing, and, in my opinion, the present system of levying has materially increased the difficulty. Unless something can be done, and that very speedily, I fear, ere long, that the Mississippi river will leap from its elevated position and take a new and less elevated bed, leaving Vicksburg, Natchez and New Orleans far from steamboat navigation. The disastrous consequences to this State, and also to Louisiana, in case that event should occur, I need not at this time explain.

When the water is high, the bed of the river fills up; but when it is low, the channel wears deeper. Every steamboat man is well aware of this fact. Also, when the water is high, the banks cave in, and drift-wood and snags are carried into the river, which is not the case when the water is low.

Now let us look to the manner in which the levees were built. The originators of the present system, not only endeavored to heap up the water on a ridge, but they nearly dammed up the valley. From high water mark, one mile south of the city of Vicksburg, west, to Bayou Mason hills, Louisiana, is about forty miles. Thirty-nine miles of this distance has been protected by a levee, and only one mile left open for all of the many waters to pass. The levee does not run direct to Bayou Mason hills, but the effect upon the valley is precisely the same as though it did. If we construct a dam thirty-nine-fortieths of the way across a river, and leave only one-fortieth of the distance, for the water to pass, inundation above will be inevitable. Again, if we take a glance at Red river and vicinity we will find another dam across the valley from east to west. From high water mark in Mississippi, west, by the mouth of Red river, to high water mark in Louisiana is not less than one hundred and fifty miles. Only one mile of all this distance is left open for water to pass. Now the effect produced by these dams is to retard the water and cause extensive inundations above.

Before the levees were built there were many natural outlets where water used to pass out into other streams, and pass off other ways to the Gulf. But they have been closed up and, consequently, the water is retarded and accumulates in the valley, and everything is overflowed.

Below the mouth of Red river, on the west side, before the levees were built, the water passed out, when the water was high, into the Atchafalaya river, Bayou Plaquemine, and Bayou Lafourche, and so on to the Gulf. On the east side, the water passed into the Iberville on its way to Lake Pontchartrain. Before these streams were closed by levees when a freshet raised the river at Baton Rouge thirty feet, it raised it at New Orleans only twelve feet.

In view of these facts, it will be perceived that the old system of levying increases the difficulty. It will be seen that millions have been spent with no good results, and that the old system of levying is a failure.

Now comes the question, what course can we pursue which will remedy the evil. Let us examine the matter carefully, and see if there is not a better system which we can adopt in the future. The system of outletting has had many advocates.

If we examine a map of Mississippi and Louisiana, we see numerous streams on either side running nearly parallel with the Mississippi river. The source of these streams are contiguous to the river. They run away from it, and originally were outlets from the river in high water. I am informed by reliable authority that these side streams are from twenty to thirty feet below the banks of the Mississippi river. This being the case, it will be an easy matter to let water out into them.

But there are objections to this plan. It might overflow country which is now secure. It might turn the river from its present channel. It might destroy steamboat navigation. It might do all these, but I believe there is a remedy for them all. It will never do, and the idea is never to be entertained, to cut channels from the river to these side streams without some safeguard to control the water in its passage from the river. I propose as a remedy, and the idea is original with myself, to establish flood gates at every outlet to control the water in its exit. These flood gates I would have built of the most durable masonry, and set securely on a pile foundation. They should be located at some distance from the river to prevent them from caving in. The pressure of water upon these gates will be very great, provided they are made twenty feet high, which I propose to make them. But I believe they can be made of sufficient strength to stand the pressure. Each gate cannot be made more than fifteen feet wide—they cannot be controlled at a greater width. At that width, by aid of the inclined plane and and compound lever, they can be opened and closed by four men. If it is necessary to use more than fifteen feet, several gates can be set side by side.

I regret exceedingly that I have not time to construct a model of these proposed gates to present to the Convention for its consideration.

Now suppose the width of the Mississippi river to be one mile, and supposing all the gates in operation to be the same width, and suppose that out of these gates is running five or ten feet of water. Is it not clear to every mind that the river will be lowered in proportion to the depth of water running out of the gates? I recommend the establishment of gates to guard against accidents which might occur if they were not established. I consider that the system of outletting should not be attempted or even thought of, except in connection with these gates.

My plan for future operations is this: I would commence with the mouth of the Mississippi river. I would dredge and open every outlet. I would open every lagoon in southern Louisiana. I would remove all obstructions from all the bayous and side streams in the valley. I would also levee these side streams and make them conduct the largest amount of water possible. And I believe they are able to conduct an amount of water equal to that conducted by the Mississippi river. Then I would cut the old levee and make an outlet from the river to these side streams and establish gates. This cannot be done all at a time, but I would begin at the Gulf and complete a section each year until all is completed.

This process when completed, would increase the motion of the current, so that twice or three times the amount of water would pass a given point in twenty-four hours that now passes.

We frequently hear the remark made, that we have greater floods now than we used to have. In my opinion, the floods are no greater now than they were formerly. It is because the natural outlets have been obstructed by levees. In the first days of levying, a levee along the river four feet high was deemed sufficient; but now, one twelve feet high is not equal to the task—for last spring the water ran smooth over the top of the present levee, which I believe was built twelve feet high. It would be the hight of folly to spend any more time or money to repair or build the old levee higher.

Now suppose this new plan to be completed and in working order, then as the water rises in the river in the fall of the year, when it comes up to the bottom of the gates, which is twenty feet within the banks; it begins to run out of the gates. By the aid of the gates, I am satisfied that the river can be kept at least fifteen feet within the banks until the main rise of spring shall come on; then when it does come, this vacancy in the river has to be filled, and by aid of the flood-gates I contend that all the water can be conducted safely away. The advantages of this plan are, that they create a vacancy in the river, and make room to receive the spring flood. This plan commences operations two or three months before the main rise comes on, or as soon as the water is high enough to run through the gates.

When the river is up even with its banks in February and March, then as the spring flood comes on, nothing can prevent a general overflow. But when it is twenty feet within its banks in February and March, there is never an overflow the coming spring. At the present time the Mississippi river is twenty feet, at least, within its banks, and I now predict no overflow next spring. There is a vacancy now in the river, and there will not be water enough to overflow its banks to any extent the coming season. This is what I propose to do: that is, to create a vacancy in the river every year, which I believe will retrieve the beautiful valley of the Mississippi for all coming time.

I am told that the Missouri river, at its bend, near the British Possessions, can be turned into the Mouse and Assineboine rivers and carried into Lake Winnipeg, which would relieve us from what is known as the June rise. The Arkansas river can be turned into Bayou Bartholomew, and so on into the Ouachita river. Red river can be turned into the Sabine river, and from there into the Gulf.

By establishing gates, which can be opened or closed at pleasure, all these rivers can be turned from their present channels for the time, and when the danger is over they can be closed, and navigation will continue in all of them as heretofore.

Could this most desired object be accomplished, I believe it would be a complete remedy for this great evil, and then nearly every acre in the great valley could be cultivated; and by American energy, the valley of the Mississippi would become the garden of the world.

There are many other weighty considerations connected with this subject of which time and space will not permit me to notice.

This enterprise is of such magnitude, that Mississippi and Louisiana together cannot accomplish the undertaking; it can only be accomplished by the aid of the General Government. This great work should be carried on as a national enterprise. We should at once lay the facts concerning this subject before Congress and invoke their aid.

But I am admonished, in view of our sins! We have grieved the Spirit, and I am satisfied that Congress will not vote a dollor to rebuild our levees until loyalty in this State shall be at par. At the present time disloyalty is at a premium, while loyalty is at a fearful discount.

Had it been otherwise, thousands of idle men might have been employed on the levees during the present winter, and tens of thousands of dollars would have been spent in our midst, which would have greatly relieved our financial distress.

The course taken by the press of this State tends to stop all improvements and all enterprise. Its course discourages immigration, drives away those who come among us, instead of encouraging men to stay here by treating them kindly, and making it pleasant and agreeable, and making inducements for them to remain here; these editors malign and abuse all who come here, unless they shut their mouths and consent to become their slaves. Men who have breathed the free and loyal air of the North will speak their sentiments, for it is their right.

Had the Northwestern States adopted the policy adopted here, they would not have been as great and prosperous as they now are. Freedom of speech is guaranteed to every one who comes among them. Instead of scandalizing, and threatening to shoot them down like dogs, they extend the hand of friendship to all new-comers. There are no carpet-baggers and scalawags up there. Here we have the dog-in-the-manger policy, which will ruin any country. About two years more of this policy will bring starvation to our doors, in a way that will bring us to our senses. Our white population is decreasing every year under this suicidal policy. Thousands have gone forever from our State since the close of the war, and if this demagogue policy continues, very soon there will not be white men enough left to black the negros' boots. Men and money go together, whether they go to or from a State. Millions of money has been withheld from this State, because our people are not willing to live, and let live.

Newspaper editors are directly responsible for this state of affairs. They control public opinion. Their papers are filled with misrepresentations in regard to the northern people. The masses of our people read and believe what they say, the same as they did in secession times; hence this unsettled state of things.

Now, if this country is ever redeemed, and the great work of rebuilding the levees is ever accomplished, it will be done by northern energy and northern capital. The great Republican party, the only party of enterprise in America, is ready and willing to rebuild our levees, and we should meet them half way, and extend the hand of fellowship, and grant them the same privileges we enjoy.

Unless something is speedily done, the beautiful valley of the Mississippi will become a blank, and our State a barren waste. Then our first duty is to make every effort in our power to gain favor, and renew our relations with the North, by carrying our State back into the Union. When that is accomplished we can repair our wasted fortunes.

Respectfully, submitted,
CARLOS CHAPMAN.
*Delegate from Simpson and Covington Counties.*
JACKSON, MISS., February 21, 1868.

Mr. Alcorn moved to postpone the communication indefinitely;

Which was laid on the table.

And after discussion had thereon, the communication was referred to the Committee on Internal Improvements.

Mr. Stringer, of Warren, offered the following:

*Resolved*, That all persons who are now, and have heretofore lived and cohabited together as husband and wife, shall be taken and held, in law, as legally married, and their issue shall be taken and held as legitimate for all purposes in law, and that concubinage and adultery are prohibited in this State.

*Resolved*, That this shall be an article of the Constitution of this State.

Referred to the committee on Legislative Department.

Mr. Richardson offered the following:

WHEREAS, It is clear that every effort, no matter how humiliating the dodge may be, by the copper-heads, so-called, democracy, to defeat the ratifiication of the Constitution now being framed in the Capitol, by the Constitutional Convention, acting under the power and instructions of the Reconstruction Acts of Congress; therefore, be it

*Resolved*, That all voters voting on the ratification of the above Constitution be, and are hereby required to take and subscribe an oath that they have not endeavored to prevent or dissuade any voter from voting on the ratification of the Constitution at the election for the same.

Which was referred to the committee on Franchise.

On motion of Mr. Castello, the rules were suspended, and the Convention proceeded to the consideration of the majority report of the committee on Judiciary.

Section 1 was adopted as printed, and reads as follows:

SECTION 1. The judicial power of this State shall be vested in one High Court of Errors and Appeals, and such other courts of law and equity as are hereafter provided for in this Constitution.

Section 2 was adopted as printed, and reads as follows:

SEC. 2. The High Court of Errors and Appeals shall consist of three Judges, any two of whom, when convened, shall form a quorum. The Legislature shall divide the State into three Districts, and the Governor, by and with the advice and consent of the Senate, shall appoint one Judgc for each Disirict.

Section 3:

Mr. Field moved to amend as follows:

In the 3rd line, by inserting the word "four," instead of the word "six;"

Which was laid on the table.

Mr Parsons, of Hinds, moved to amend the section as follows:

In the 2d line, strike out the word "three," and insert the word ".two."

In the 3d line, strike out the word "six," and insert the word "four."

In the 4th line strike out the word "nine," and insert the word "six."

In the 5th line, strike out the word "three," and insert the word "two."

In 10th line, strike out the word "nine," and insert the word "six."

Mr. Stiles moved to amend as follows:

Strike out after the word "for," in 9th line and insert the word "life" or during good behavior; *Provided*, That the Judges first elected or appointed under this Constitution, shall only serve for the term of four years;"

Which was laid on the table.

Previous question called, call sustained;

And the amendment of Mr. Parsons, of Hinds, was lost by the following vote:

YEAS—Messrs. Alderson, Alcorn, Beam, Bonney, Caldwell, Castello, Conley, Dalton, Elliott James, Field, Gibbs, Goss, Hauser, Jacobs, Johnson S., Johnson A., Mayson, Miles, McKnight, Newsom, Parsons F., Parsons J. R., Peyton E. A., Quinn, Richardson, Smith, Stewart, Stites, Woodmansee —29.

NAYS—Messrs. Ballard, Barry, Bridges, Brinson, Clarke Compton, Cunningham, Dowd, Fawn, Handy, Hemmingway, Kerr, Lawson, Leas, Leonard, Montgomery, Moore, Myers, Mygatt, McKee, Peyton E. G., Railsback, Stites, Stovall, Stringer, Toy, Vaughan, Warren, Yeoman—29.

And section 3 was adopted as printed, and reads as follows:

SEC. 3. The office of one of said Judges shall be vacated in three years, one in six years, and one in nine years, so that at the expiration of every three years, one of said Judges shall be appointed as aforesaid. The term of office of the Judges of the High Court of Errors and Appeals shall be nine years.

Section 4 was adopted as printed, and reads as follows:

SEC. 4. The High Court of Errors and Appeals shall have no jurisdiction but such as properly belongs to a Court of Errors and Appeals.

Section 5 was adopted as printed, and reads as follows:

SEC. 5. All vacancies which may occur in said court from death, resignation, or removal, shall be filled by appointment as aforesaid; *Provided, however*, That if a vacancy shall occur during the recess of the Legislature, the Governor shall appoint a successor who shall hold his office till the next meeting of the Legislature.

Section 6:

Mr. Alderson moved to strike out the word "five," and insert the word "ten," in eleventh line.

Mr. Compton moved to amend the amendment by striking out the word "ten," and inserting the word "three."

And the amendment and the amendment to the amendment were laid on the table.

Mr. Barry moved to amend the section as follows:

Strike out all after the word "appointed," in the tenth line;

Which was carried.

And section 6 was adopted as amended, and reads as follows:

SEC. 6. No person shall be eligible to the office of Judge of the High Court of Errors and Appeals who shall not have attained the age of thirty years at the time of his appointment, and who shall not have been for two years immediately preceding a citizen of the State, and six months a resident of the District for which he shall be appointed.

Section 7:

Mr. Peyton, of Copiah, moved to amend by striking out the seventh section, and inserting the following, to wit:

"The High Court of Errors and Appeals shall be held twice in each year, at the seat of government, at such times as the Legislature may prescribe;"

Which was adopted.

And the section was adopted as amended.

Section 8 was adopted as printed, and reads as follows:

SEC. 8. Immediately upon the first appointment of Judges as aforesaid, the Governor, in the presence of and with the assistance of the President of the Senate and Secretary of State, shall determine, by lot, which of said Judges shall serve for three years, and which shall serve for the term of six years, and which shall serve for the term of nine years, and it shall be the duty of the Governor to issue commissions accordingly.

Section 9:

Mr. Hauser moved that the section be referred back to the Judiciary Committee, with instructions to report a section applying to all courts;

Which was laid on the table.

Mr. Woodmansee moved to amend first line by striking out the word "said" and inserting the word "any;"

Which was laid on the table.

And section 9 was adopted as printed, and reads as follows:

SEC. 9. No Judge of said Court shall sit on the trial of any cause where the parties or either of them shall be connected with him by affinity or consanguinity, or where he may be interested in the same, except by the consent of the Judges and of the parties, and whenever a quorum of said court are situated as aforesaid, the Governor of the State shall in such cases specially commission two or more men of law knowledge for the determination thereof.

Section 10:

Mr. Railsback moved to amend as follows:

Strike out all after the word "services," in second line to the word "during," in fourth line, and insert the words "five thousand dollars per annum;"

Which was laid on the table.

Mr. Stiles moved to amend as follows:

Strike out from the word "services," in second line, to the word "not," in the fourth line, and insert the words "the sum of ten thousand dollars per year, to be paid semi-annually;"

Which was laid on the table.

And section 10 was adopted as printed, and reads as follows:

SEC. 10. The Judges of the said Court shall receive for their services, a compensation to be fixed by law, which shall not be diminished during their continuance in office.

Section 11:

Mr. Hauser moved to strike out the word "six," in sixth line, and insert the word "four;"

Which was laid on the table.

Mr. Parsons, of Adams, moved to amend as follows:

Strike out after the word "court," in second line, to the word "and," in fourth line, and insert the words "shall be elected by the qualified electors ot each judicial district;"

Which was laid on the table.

Mr. Stiles moved to strike out the word "six," and insert the word "two," in sixth line;

Which was laid on the table.

Mr. Peyton, of Copiah, moved to amend as follows:

The Legislature, at the first session under this Constitution, shall divide the State into convenient Judicial districts, and each district shall contain not more than six counties, and the Judges of the Circuit Courts shall be appointed by the Governor, with the advice and consent of the Senate, and shall hold their offices for the term of six years.

Mr. Stites moved to amend the section as follows:

*Provided*, That the Judges first elected or appointed under this Constitution shall hold their office for only two years;

Which was laid on the table.

And the amendment of Mr. Peyton, of Copiah, was lost.

Mr. Vaughan moved to amend as follows:

In the fifth line, strike out the word "six," and insert the word "ten;"

Which was laid on the table.

Mr. Gibbs moved the previous question; which was sustained;

And section eleven was adopted as printed, and reads as follows:

SEC. 11. The Judges of the Circuit Court shall be appointed by the Governor, with the advice and consent of the Senate, and shall hold their offices for the term of six years.

Convention adjourned until 3 o'clock.

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Brinson, Caldwell, Castello, Chapman, Clarke, Compton, Conley, Dalton, Dowd, Drane, Elliott James, Fawn, Field, Gibbs, Goss, Handy, Hauser, Hemmingway, Jacobs, Johnson S., Johnson A., Jones, Lawson, Leas, Leonard, Mayson, Montgomery, Miles, Moore, Myers, Mygatt, McKee, McKnight, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Railsback, Richardson, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Vaughan, Warren, Woodmansee, and Yeoman—57.

The following delegates were absent:

Messrs. Bridges, Chappell, Collins, Combash, Cunningham, Elliott John, Fitzhugh, Gaither, Gray, Herbert, Holland, Howe, Hutto, Jamison, Kerr, Lack, Longmire, Mask, Musgrove, Morgan, McCutchen, Neilson, Nelms, Nesbitt, Newsom, Orr, Ozanne, Phillips, Powell, Quinn, Rainey, Stricklin, Townsend, Walker, Watson, Weir, Williams—37.

Mr. Compton moved to suspend the rules to permit him to introduce a resolution;

Which was carried.

Whereas, It is a consummation devoutly to be wished that civil government and good order shall be speedily restored to the people of the United States; and

*Whereas*, It is desirable that as much uniformity shall exist in the State governments as their several interests shall allow; and

*Whereas*, Doubts seem to exist in the minds of many prominent statesmen, whether certain States already in the Union have constitutions republican in their character; therefore, be it

*Resolved*, That a committee of five be appointed by the President of this Convention, who shall prepare a memorial to the Congress of the United States, praying that body to prescribe a form of Constitution for the government of the several States of this Union, and enact that said form of Constitution shall be adopted by the said States, respectively.

Mr. Parsons, of Adams, moved to refer to the committee on Contingent Expenses.

Mr. Cunningham moved to lay on the table;

Which was lost.

Mr. McKee moved to indefinitely postpone.

The previous question was called; call sustained;

And the motion of Mr. McKee was carried.

Mr. Compton moved to suspend the rules to permit him to introduce a resolution;

Which was lost.

The Convention resumed the consideration of the report of the committee on the Judiciary.

Section 12:

Mr. Castello moved to amend as follows:

Strike out, in the 10th line, all after the word "appointed;"

Which was adopted.

And section 12 was adopted as amended, and reads as follows:

Section 12. No person shall be eligible to the office of Judge of the Circuit Court, who shall not at the time of his appointment, have attained the age of twenty-six years, and shall have been two years a citizen of the State, and six months an inhabitant of the district for which he may have been appointed.

Section 13 was adopted as printed, and reads as follows:

Section 13. The State shall be divided into convenient judicial districts, and each district shall not contain more than five counties.

Section 14:

Mr. Parsons, of Adams, moved to amend the section as follows:

Strike out the word " fifty," and insert the words "two hundred and fifty."

Mr. Castello moved to lay on the table;

Which was lost.

Mr. Compton moved the previous question, which was sustained;

And the amendment of Mr. Parsons was adopted, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Beam, Bonney, Caldwell, Chapman, Chappell. Compton, Conley, Dalton, Dowd, Drane, Elliott James, Field, Gibbs, Goss, Handy, Hemmingway, Jacobs, Johnson S., Johnson A., Jones, Leonard, Mayson, Montgomery, Miles, Moore, Myers, Mygatt, Newsom, Parsons F., Parsons J. R., Peyton E. A., Quinn, Railsback, Smith, Stewart, Stringer, Toy, Warren, Woodmansee, Yeoman—43.

NAYS--Messrs. Ballard, Barry, Brinson, Castello, Fawn, Hauser, Leas, McKee, McKnight, Peyton E. G., Richardson, Stites, Stovall, Vaughan—14.

And section 14 was adopted as amended, and reads as follows:

SECTION 14. Circuit Courts shall have original jurisdiction in all matters, civil and criminal, within this State; but in civil cases only when the principal of the amount in controversy exceeds two hundred and fifty dollars,

Mr. Nesbitt was granted leave of absence for ten days.

Mr. McKee moved to reconsider the vote adopting section 14.

A motion to adjourn was made and withdrawn, to permit a suspension of the rules, to enable Mr. Alcorn to introduce the following account:

MERIDIAN, MISS., March 1st, 1868.

*Mississippi Constitutional Convention,*

*To J. R. Smith, Publisher of Meridian Chronicle,* DR.

| | |
|---|---|
| March 1. For publishing proceedings of the Convention from the 7th of January to the 24th of February, forty-six days | $2,000 00 |
| To 1,200 copies of the *Chronicle*, furnished the Convention, at 10 cents each | 120 00 |
| Total | $2,120 00 |

Which, on motion, was referred to the committee on Printing.

Mr. Alcorn moved that warrants for one thousand dollars be drawn in part payment of the above account.

A motion to lay on the table was lost;

And the motion of Mr. Alcorn was carried.

The Convention adjourned until to-morrow morning at 9 o'clock.

T. P. SEARS,
*Secretary.*

## FIFTY-SEVENTH DAY.

Jackson, Miss., Thursday, March 12th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Compton, Conley, Cunningham, Dalton, Dowd, Drane, Elliott James, Gibbs, Goss, Handy, Hauser, Hemmingway, Jacobs, Johnson S., Johnson A., Jones, Kerr, Lawson, Leas, Leonard, Mayson, Montgomery, Miles, Moore, Myers, Mygatt, McKee, McKnight, Parsons F., Peyton E. A., Peyton E. G., Quinn, Railsback, Richardson, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Vaughan, Walker, Warren, Williams, Woodmansee, Yeoman—61.

The following delegates were absent:

Messrs. Collins, Elliott John, Fawn, Field, Fitzhugh, Gaither, Gray, Herbert, Holland, Howe, Hutto, Jamison, Lack, Longmire, Mask, Musgrove, Morgan, McCutchen, Neilson, Nelms, Nesbitt, Newsom, Orr, Ozanne, Parsons J. R., Phillips, Powell, Rainey, Stricklin, Townsend, Watson, Weir—33.

Journal of yesterday read and approved.

Leaves of absence were granted to the following delegates:

To Mr. Morgan, three days; to Mr. Howe, one day; to Mr. Newsom, two days; to Mr. Townsend, two days; to Mr. Gaither, four days; to Mr. Parsons, three days; to Mr. Field, one day; to Mr. Leonard, four days.

Mr. Railsback introduced the following:

*Resolved,* That the Secretary be allowed the mileage of members, and that the Auditor be, and is heresy directed, to draw a warrant for the same.

Mr. Clarke moved to amend, by adding the words "the Assistant Secretry and Sergeant-at-Arms."

Mr. Hauser moved to refer to Finance Committee;

Which was laid on the table.

Mr. McKee moved to postpone indefinitely.

Mr. Gibbs moved to lay on the table;

Which was lost.

And the motion to indefinitely postpone was lost.

Mr. Peyton, of Hinds, moved to add the words "all the assistants."

Mr. Stovall moved to refer the resolution and amendments to a special committee of three;

Which was carried.

Mr. Barry, of Holmes, introduced the following preamble and resolution:

Whereas, In the present political status of the State of Mississippi, the scarcity of money and the general indebtedness of the landholders of the State, it is unwise and ruinous to the interests of all, and detrimental to the future welfare of the State, and to the people, that sales of bodies of lands should be made under executions for debt; therefore, be it

*Resolved*, That a committee of three be appointed to prepare and report to this body, an address to be sent to the Military Commander of this District, requesting him to suspend such executions until the political condition of the State and the judicial affairs of the people shall be improved.

Mr. Gibbs moved to refer to the committee of fifteen appointed to prepare an ordinance staying the collection of debts;

Which was carried.

Mr. Railsback moved to suspend the rules to take up the majority report of the committee on Judiciary;

Which was carried.

Mr. Barry moved to reconsider the vote adopting section 14.

Previous question was called, call sustained; and the motion to reconsider was carried.

Mr. McKee moved to amend by striking out "$250," and inserting "$100."

Mr. Clarke moved, as an amendment to the amendment, that "$150" be inserted instead of "$100."

A motion to table the amendment to the amendment, was lost.

Mr. Gibbs moved to indefinitely postpone the amendment to the amendment;

Which was laid on the table.

Previous question was called, call sustained; and the amendment to the amendment introduced by Mr. Clarke, was adopted, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Ballard, Beam, Bonney, Bridges, Brinson, Caldwell, Chappell, Clarke, Combash, Conley, Dalton, Drane, Elliott James, Goss, Hemmingway, Johnson A., Johnson S., Kerr, Leas, Leonard, Mayson, Montgomery, Moore, Myers, Mygatt, Newsom, Parsons F., Peyton E. A., Quinn, Railsback, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Walker, Warren, and Woodmansee—42.

Nays—Messrs. Barry, Castello, Cunningham, Dowd, Gibbs, Handy, Hauser, Jacobs, Jones, Lawson, Miles, McKee, McKnight, Peyton E. G., Richardson, Vaughan, Yeoman—17.

And the amendment of Mr. McKee as amended was adopted.

And section 14 was adopted as amended, and reads as follows:

Section 14. Circuit Courts shall have original jurisdiction in all matters, civil and criminal, within this State; but in civil cases only when the principal of the amount in controversy exceeds one hundred and fifty dollars.

Mr. Alderson moved to reconsider.

Mr. Parsons, of Adams, moved to lay the motion to reconsider on the table.

Mr. McKee moved to adjourn;

Which was lost, and the motion of Mr. Parsons, of Adams, was carried.

Section 15:

Mr. Hemmingway moved to strike out the word "four," and insert the word "two," in the second line.

Mr. McKee moved to lay on the table;

Which was lost.

Mr. Gibbs moved to postpone indefinitely.

Mr. Hemmingway moved to table Mr. Gibbs' motion;

Which was carried.

Mr. McKee moved the previous question;

Which was sustained.

And the amendment of Mr. Hemmingway was adopted.

And section 15 was adopted, as amended, and reads as follows:

Section 15. A Circuit Court shall be held at least twice in each year, and the Judges of said courts may interchange circuits with each other in such manner as may be prescribed by law, and shall receive for their services a compensation to be fixed by law, which shall not be diminished during their continuance in office.

Mr. Stringer moved to reconsider.

Previous question called; call sustained.

And the motion to reconsider was last.

A communication from the military commander of this district in reference to his order enforcing the tax, and transmitting one hundred and fifty copies of the same, was received.

Section 16:

Mr. Parsons, of Adams, moved to amend as follows: Strike out the section and insert:

A Chancery Court shall be established in each county in this State with full jurisdiction in all matters of equity, and of divorce and alimony. The Circuit Court Judge shall be the Chancellor of these courts in his District, and the said Chancery courts shall be held at the same times and places that the Circuit Courts are held.

Mr. McKee moved to lay on the table;

Which was lost.

Mr. Conley moved to amend by striking out all after section 16, and inserting;

"The Circuit Court shall have jurisdiction in all matters of equity, and divorce and alimony, and all matters belonging to a Court of Chancery, not otherwise provided for;"

Which was lost.

Mr. Peyton, of Hinds, moved to lay the amendment of Mr. Parsons, of Adams, on the table;

Which was carried.

Mr. Gibbs moved to refer the report back to the committee on the Judiciary with instructions to establish a court of competent jurisdiction in each county.

Mr. Stovall moved to lay on the table;

Which was lost.

Mr. Cunnigham moved to amend the motion of Mr. Gibbs by adding the names of Messrs. Alderson, Gibbs, and Parsons, of Adams, to the committee on Judiciary;

Which was carried.

And the motion of Mr. Gibbs, as amended, was carried.

The Convention adjourned until 3 o'clock P. M.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Brinson, Caldwell, Castello, Chapman, Combash, Compton, Conley, Dalton, Dowd, Drane, Elliott James, Fawn, Gibbs, Goss, Handy, Jacobs, Johnson S., Johnson A., Jones, Kerr, Lawson, Leas, Leonard, Mayson, Montgomery, Miles, Moore, Myers, Mygatt, McKee, McKnight, Newsom, Parsons F., Peyton E. G., Railsback, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Vaughan, Warren, Woodmansee, and Yeoman—53.

The following delegates were absent:

Messrs. Bridges, Chappell, Clarke, Collins, Cunningham, Elliott John, Field, Fitzhugh, Gaither, Gray, Hauser, Hemmingway, Herbert, Holland, Howe, Hutto, Jamison, Lack, Longmire, Mask, Musgrove, Morgan, McCutchen, Neilson, Nelms, Nesbitt, Orr, Ozanne, Parsons J. R., Peyton E. A., Phillips, Powell, Quinn, Rainey, Richardson, Stricklin, Townsend, Walker, Watson, Weir, and Williams—41.

The Convention proceeded to the consideration of the majority report on Franchise;

Which passed its first reading.

And the minority report of the same committee passed its first reading.

The report of the committee on Internal Improvements was read the first time.

The Bill of Rights came up for a third reading.

Mr. Compton moved to postpone the consideration of the same until this evening;

Which was laid on the table.

Mr. Gibbs moved that it be read by sections;

Which was carried.

The preamble was then read and adopted, and reads as follows:

## PREAMBLE.

To the end that justice be established, public order maintained, and liberty perpetuated, we, the people of the State of Mississippi, grateful to Almighty God for the free exercise of the right to choose our own form of government, do ordain this

Section 1 was adopted, and reads as follows:

SECTION 1. All persons resident in the State, born in the United States, or naturalized, are hereby declared citizens of the State of Mississippi.

Section 2 was adopted, and reads as follows:

SEC. 2. No person shall be deprived of life, liberty, or property, except by due process of law.

Mr. Gibbs moved that all sections not objected to be declared adopted;

Which was carried.

Section 3 was adopted, and reads as follows:

SEC. 3. The privileges of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion, the public safety may require it.

Section 4 was adopted, and reads as follows:

SEC. 4. The freedom of speech and of the press shall be held sacred, and in all indictments for libel, the jury shall determine the law and the facts under the direction of the court.

Section 5 was adopted, and reads as follows:

SEC. 5. No person's life or liberty shall be twice placed in jeopardy for the same offense.

Section 6 was adopted, and reads as follows:

SEC. 6. The right of the people peaceably to assemble and petition the Government on any subject, shall never be impaired.

Section 7:

Mr. Mygatt moved to amend section 7 by striking out all after the word "self," in the fifteenth line;

Which was carried.

And section 7 was adopted as amended, and reads as follows:

SEC. 7. In all criminal prosecutions the accused shall have a right to be heard by himself or counsel or both; to demand the nature and cause of the accusation; to be confronted by the witnesses against him; to have a compulsory process for obtaining witnesses in his favor, and in all prosecutions by indictment or information, a speedy and public trial by an impartial jury of the county where the offence was committed; that he cannot be compelled to give evidence against himself.

Section 8 was adopted, and reads as follows:

SEC. 8. Cruel or unusual punishment shall not be inflicted; nor shall excessive fines be imposed; excessive bail shall not be required, and all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident, or presumption great.

Section 9 was adopted, and reads as follows:

SEC. 9. No *ex post facto* law or laws, impairing the obligations of contracts shall ever be passed.

Section 10 was adopted, and reads as follows:

SEC. 10. Private property shall not be taken for public use, except upon due compensation first being made to the owner or owners thereof, in a manner to be provided by law.

Section 11:

Mr. Parsons, of Adams, moved to amend as follows:

Strike out all after the word "debt," in second line;

Which was laid on the table.

And section 11 was adopted, and reads as follows:

Sec. 11. There shall be no imprisonment for debt, except in cases in which the debt was incurred by fraud, or in which the debtor fraudulently conceals his or her property.

And section 12 was adopted, and reads as follows:

Sec. 12. The right of trial by jury shall remain inviolate.

And section 13 was adopted, and reads as follows:

Sec. 13. No property qualification shall ever be required to become a juror.

And section 14 was adopted, and reads as follows:

Sec. 14. The people shall be secure in their persons, houses and possessions, from unreasonable seizure or search, and no warrant shall be issued without probable cause, supported by oath or affirmation specially designating the place to be searched, and the person or thing to be seized.

And section 15 was adopted, and reads as follows:

Sec. 15. All persons shall have a right to keep and bear arms for their defense.

Section 16:

Mr. McKee moved to recommit;

Which was laid on the table.

Mr. Mygatt moved that the section be adopted;

Which was carried, by the following vote:

Yeas—Messrs. Alcorn, Ballard, Barry, Beam, Bridges, Brinson, Castello, Chapman, Chappell, Clarke, Conley, Dowd, Drane, Elliott James, Goss, Handy, Jacobs, Johnson S., Johnson A., Jones, Lack, Leas, Leonard, Montgomery, Mygatt, McKnight, Parsons F., Quinn, Railsback, Richardson, Smith, Stewart, Stites, Stovall, Stringer, Stiles, and Warren—37.

Nays—Messrs. Alderson, Bonney, Caldwell, Combash, Dalton, Fawn, Gibbs, Hauser, Lawson, Miles, Mayson, Myers, McKee, Newsom, Peyton E. A., Peyton E. G., Toy, Walker, Woodmansee, and Yeoman—20.

And section 16 was adopted, and reads as follows:

Sec. 16. The rights of married women shall be protected by law, in property owned previous to marriage, and also in all property inherited or devised after marriage: *Provided*, That nothing herein contained shall be so construed as to protect said property from being applied to the payment of their lawful debts.

Convention adjourned until to-morrow morning, at 9 o'clock.

T. P. Sears,
*Secretary.*

## FIFTY-EIGHTH DAY.

JACKSON, MISS., Friday, March 13th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Combash, Compton, Conley, Cunningham, Dalton, Dowd, Drane, Elliott James, Fawn, Field, Gibbs, Goss, Handy, Hauser, Hemmingway, Howe, Jacobs, Johnson S., Johnson A,. Jones, Kerr, Lack, Lawson, Leas, Mayson, Montgomery, Miles, Myers, Mygatt, McCutchen, McKee, McKnight, Newsom, Parsons F., Peyton E. A., Peyton E. G., Quinn, Railsback, Richardson, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Townsend, Vaughan, Walker, Warren, Williams, Woodmansee, and Yeoman—66.

The following delegates were absent:

Messrs. Clarke, Collins, Elliott, Jno. Fitzhugh, Gaither, Gray, Herbert, Holland, Hutto, Jamison, Leonard, Longmire, Mask, Musgrove, Moore, Morgan, Neilson, Nelms, Nesbitt, Orr, Ozanne, Parsons J. R., Phillips, Powell, Rainey, Stricklin, Watson, and Weir—28.

Journal of yesterday read and approved.

Leaves of absence were granted to the following named delegates for the period affixed to their names:

Mr. Handy for four days; Mr. Moore for four days; to the Secretary for one day; and to Mr. Collins from day to day.

The Legislative Department Committee reported progress.

The committee on General Provisions reported progress.

Mr. Hauser offered the following:

*Resolved*, That the Sergeant-at-Arms be directed to employ a locksmith, immediately, and have the doors of the Capitol sink opened for the use of the members of this Convention.

Mr. Barry moved that the party or parties responsible for not putting this hall, and all appurtenances thereto, in order for this Convention, be reported to the Commanding General of this District.

On motion, the consideration of the above subject was postponed for one day.

Mr. Leas, of Warren, moved to suspend the rules, for the purpose of considering the subject of warrants issued by this Convention.

Mr. Hauser, of Kemper, moved that a committee of five be appointed to consider the same, and report thereon at 3 o'clock, P. M.;

Which was carried.

The committee consists of the following named delegates:

Messrs. Parsons, of Adams, Beam, of Franklin, Leas, of Warren, Stovall, of Carroll, and Dowd, of Coahoma.

The Convention resumed the consideration of the Bill of Rights, on its third reading.

Section 17:

Mr. Alderson, of Jefferson, moved to strike out all after the word "required," in third line;

Which was carried.

Mr. Castello moved the adoption of the section, as amended;

Which was carried, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Ballard, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Chappell, Combash, Conley, Cunningham, Drane, Fawn, Gibbs, Handy, Hauser, Jacobs, Johnson A., Jones, Kerr, Lawson, Leas, Mayson, Miles, Myers, Mygatt, McKee, McKnight, Newsom, Parsons F., Peyton E. A., Peyton E. G., Quinn, Railsback, Richardson, Smith, Stewart, Stites, Stringer, Toy, Vaughan, Warren, Williams, Woodmansee, and Yeoman—47.

NAYS—Messrs. Beam, Chapman, Compton, Dalton, Dowd, Elliott James, Field, Goss, Howe, Johnson S., Lack, Montgomery, McCutchen, Stovall, and Townsend—15.

And the section was adopted as amended, and reads as follows:

SEC. 17. No property qualification for eligibility to office, shall ever be required.

Section 18 was adopted as printed, and reads as follows:

SEC. 18. No property or educational qualification shall ever be required to become an elector.

Section 19:

Mr. Hauser moved to strike out all after the word "convicted," in fifth line;

Which was carried.

Mr. Castello moved the previous question;

Which was sustained.

And section 19 was adopted as amended, and reads as follows:

SEC. 19. There shall be neither slavery nor involuntary servitude in this State, otherwise than in punishment of crime, whereof the party shall have been duly convicted.

Section 20:

Mr. McKee moved to strike out the word "peaceably," in first line;

Which was carried.

And section 20 was adopted as amended, and reads as follows:

SEC. 20. The right to withdraw from the Federal Union on account of any real or supposed grievances, shall never be assumed by this State, nor shall any law be passed in derogation of the paramount allegiance of the citizens of this State to the Government of the United States.

Section 21:

Mr. Gibbs moved to recommit; which was carried.

Section 22:

Mr. Alderson moved to refer to committee;

Which was laid on the table.

And section 22 was adopted, and reads as follows:

SEC. 22. No public money or money shall be appropriated for any charitable or other public institution in this State, making any distinction among the citizens thereof.

Section 23 was adopted, and reads as follows:

SEC. 23. No distinction shall ever be made by law, between citizens and aliens, in reference to the possession, enjoyment, or descent of property.

Section 24 was adopted, and reads as follows:

SEC. 24. No religious test, as a qualification for office, shall ever be required, and no preference shall ever be given by law, to any religious sect or mode of worship, but the free enjoyment of all religious sentiments, and the different modes of worship shall ever be held sacred; *Provided*, The rights hereby secured, shall not be construed to justify acts of licentionsness, injurious to morals, or dangerous to the peace and safety of the State.

Section 25 was adopted, and reads as follows:

SEC. 25. The right of all citizens to travel upon all public conveyances shall not be infringed upon, nor in any manner abridged in this State.

Section 26 was adopted, and reads as follows:

SEC. 26. The military shall be in strict subordination to the civil power.

Section 27 was adopted, and reads as follows:

SEC. 27. Treason against the State shall consist only in levying war against the same, or in adhering to its enemies; giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Section 28 was adopted, and reads as follows:

SEC. 28. No person's life shall be periled by the practice of duelling, but the most stringent laws shall be passed by the next Legislature against the two-fold crime of suicide and murder.

Section 29 was adopted, and reads as follows:

SEC. 29. All courts shall be open, and every person, for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay.

Section 30:

Mr. Alderson moved to strike out all after the word "period," in fifth line;

Which was carried.

And section 30 was adopted as amended, and reads as follows:

SEC. 30. No person shall ever be elected or appointed to any office in this State for life or during good behavior, but the term of all offices shall be for a specified period.

Section 31 was adopted, and reads as follows:

SEC. 31. No person shall be debarred from prosecuting or defending any civil cause for or against him or herself, before any tribunal in this State, by him or herself, or counsel, or both.

Section 32 was adopted, and reads as follows:

SEC. 32. No person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the land or naval forces, or the militia when in actual service, or by leave of the court, for misdemeanor in office; *Provided*, That the Legislature in cases of petit larceny, assault, assault and battery, affray, riot, unlawful assembly, drunkenness, vagrancy, and other misdemeanors of like character, may dispense with an inquest of a grand jury, and may authorize prosecutions before Justices of the Peace, or such other inferior court or courts, as may be established by the Legislature, and the proceedings in such cases shall be regulated by law.

Section 33:

Mr. Alderson moved to amend as follows:

Strike out all before the word "to" in the fourth line.

Mr. Castello moved to table;

Which was lost.

And the amendment of Mr. Alderson was lost.

And section 33 was adopted as printed, as reads as follows:

SEC. 33. This enumeration of certain rights shall not impair or deny others retained by the people; and to guard against transgression of the high powers herein enumerated, we declare that everything in this article is excepted out of the general powers of government; and shall ever remain inviolate; and that all laws contrary thereto, or to the following provisions be void.

Mr. Alderson offered the following as an additional section:

SEC. 34. No county shall ever be denied the right to raise by special tax, money sufficient to pay for court-houses, jails, and bridges, necessary for the convenience of the people of the county, and money thus collected shall never be appropriated for any other purposes; *Provided*, The tax thus levied shall be a certain per cent. on all taxes levied by the State.

Which, on motion, was referred to the committee of General Provisions.

On motion of E. G. Peyton, of Copiah, the Bill of Rights was adopted as a whole, and referred to the committee on Form and Arrangement of Constitution.

A motion to adjourn was lost.

The rules were suspended to take up report of Committee on Franchise.

Mr. Gibbs moved to reconsider the vote agreeing to suspend the rules for the purpose of taking up report of Committee on Franchise;

Which was carried.

A motion to adjourn was lost;

And, on motion, the rules were suspended, to take up report of the Committee on Internal Improvements.

Article 1 was adopted, and reads as follows:

ARTICLE 1. There shall be a board elected to constitute a Board of Public Works.

Article 2:

Mr. Gibbs moved to strike out the word "one" and insert the word "three" in the second line;

Which was laid on the table.

Mr. E. G. Peyton moved to strike out the word "to," in the first line, and insert the word "shall;"

Which was carried.

Mr. Gibbs moved to strike out all after the word "of," in the second line, and insert the words, "three members to be chosen from the State at large, to hold their office for the term of four years.

A motion to lay on the table was lost;

And the amendment of Mr. Gibbs was adopted;

And article 2 was adopted, as amended, and read as follows:

ARTICLE 2. Said Board shall consist of three members, to be chosen from the State at large, to hold their office for the term of four years.

Article three was stricken out.

Article 4 was adopted, and reads as follows:

ARTICLE 4. The Legislature, at its first session after the adoption this Constitution, shall provide for the organization of said Board, prescribe its duties and fix the compensation of its members, and all officers employed upon public works in this State.

Article 5:

A motion to adopt the article was lost.

The rules were suspended, to put report of Committee on Internal Improvements on its third reading;

And the report passed its third reading;

And was referred to the Committee on Form and Arrangement of the Constitution.

A motion to adjourn was lost.

The Convention proceeded to the consideration of the report of the Committee on the Militia, on its third reading.

Section 1 was adopted, and reads as follows:

SECTION 1. All able-bodied male citizens of this State, between the ages of eighteen years and forty-five years, shall be liable to military duty in the militia of this State, in such manner as the Legislature shall provide, not incompatible with this Constitution, and the Constitution and laws of the United States.

Section 2 was adopted, and reads as follows:

SECTION 2. The Legislature shall provide for the organizing, arming, equipping and discipline of the militia, and for paying the same, when called into active service.

Section 3 was adopted, and reads as follows:

SECTION 3. It shall be the duty of the first Legislature to make such laws as shall be necessary to immediately create an effective militia in this State.

Section 4:

Mr. Chappell moved to amend the section as follows:

Strike out all after the word "Senate," in the fifth line, to the word "and," in the 6th line;

Which was carried.

And section 4 was adopted as amended, and reads as follows:

SECTION 4. All officers of militia, except non-commissioned officers, shall be appointed by the Governor, by and with the consent of the Senate, and shall be chosen for their military knowledge, their experience in arms, and their fidelity and loyalty; and no commissioned officer shall be removed from office, except by the Senate, on the recommendation of the Governor, stating the grounds on which such removal is recommended, or by the decision of a court martial pursuant to law, or at his own request.

Section 5 was adopted, and reads as follows:

SECTION 5. The Governor shall be Commander-in-Chief of the militia, except when called into the service of the United States, and shall have power to call forth the militia to execute the law, repel invasion, and to suppress riots and insurrections.

Pending discussion on section 6, the Convention adjourned until 3 o'clock.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Ballard, Beam, Bonney, Caldwell, Castello, Clarke, Combash, Compton, Conley, Dalton, Dowd, Fawn, Gibbs, Goss, Handy, Hemmingway, Howe, Jacobs, Johnson S., Johnson A., Jones, Kerr, Lack, Lawson, Leas, Mayson, Montgomery, Miles, Myers, McCutchen, McKnight, Newsom, Parsons F., Smith, Stewart, Stites, Stovall, Stringer, Townsend, Toy, Walker, Warren, Woodmansee, and Yeoman—46.

The following delegates were absent:

Messrs. Barry, Bridges, Brinson, Chapman, Chappell, Collins, Cunningham, Drane, Elliott James, Elliott John, Field, Fitzhugh, Gaither, Gray, Hauser, Herbert, Holland, Hutto, Jamison, Leonard, Longmire, Mask, Musgrove, Moore, Morgan, Mygatt, McKee, Neilson, Nelms, Nesbitt, Orr, Ozanne, Parsons J. R., Peyton E. A., Peyton E. G., Phillips, Powell, Quinn, Railsback, Rainey, Richardson, Stricklin, Stiles, Vaughan, Watson, Weir, and Williams—47.

The Convention resumed the consideration of the report on the Militia.

Section 6:

Mr. Gibbs moved to amend the section as follows:

Strike out all after the words "section 6," and insert the words: "The Governor shall nominate, and by and with the consent of the Senate, commission one Major General for the

State, who shall be a citizen thereof; and also one Brigadier General for each Congressional District, who shall be a resident of the district for which he shall be appointed; and each district shall constitute a Militia Division:"

Which was carried.

And section 6 was adopted, and reads as above.

Section 7 was adopted, and reads as follows:

SEC. 7. The Adjutant General and other staff officers to the Commander-in-Chief shall be appointed by the Governor, and their appointment shall expire with the Governor's term of service.

Section 8 was adopted, and reads as follows:

SEC. 8. The militia shall be exempt from arrest during their attendance on musters, and in going to and returning from the same, except in case of treason, felony, or breach of the peace.

The rules were suspended that the report of the committee might be read the third time.

And after being read the third time was referred to the committee on Form and Arrangement of the Constitution.

Mr. Chappell moved that the President be instructed to issue a warrant for $10 in place of one lost;

Which was laid on the table.

The Convention took up a section of the report of committee on General Provisions on duelling, and after discussion had thereon, the same was indefinitely postponed.

The following ordinance from the committee on General Provisions, was read a first time.

MR. PRESIDENT: The committee to whom was referred a resolution asking the committee to report an ordinance in regard to contracts, beg leave to report the following ordinance:

WHEREAS, In a Republic the foundation of a government is the right of suffrage, and this right should be guarded from all undue influences and secured in such manner that the free and untramelled voice of the people should be heard; therefore,

SECTION 1. *Be it ordained by the people of the State of Mississippi in Convention assembled,* No contracts shall be valid which in any manner abridge or affect the right of franchise of either party; and any person or persons demanding such conditions shall, upon conviction thereof, before any court having competent jurisdiction, be disfranchised for the term of five years, and pay a fine of not less than five hundred dollars.

SEC. 2. Whoever shall dismiss from employment any person or persons for having exercised the right of franchise, or for offering to exercise such right, shall, on conviction, be fined not less than two hundred and fifty dollars, and be disfranchised for the term of five years.

E. J. CASTELLO,
*Chairman.*
P. BONNEY,
D. STITES,
GEO. STOVALL,
J. R. PARSONS,
*Committee.*

The rules were suspended and the ordinance was read the second time.

Mr. Clarke moved to strike out all after the word "form," in third line from the bottom;

Which was carried.

Mr. Clarke moved to strike out the word "therefore," in the third line;

Which was carried.

And the preamble as amended, was adopted by the following vote:

YEAS—Messrs. Alderson, Alcorn, Bonney, Bridges, Brinson, Caldwell, Castello, Chappell, Clarke, Conley, Dalton, Dowd, Drane, Elliott James, Gibbs, Goss, Hauser, Jacobs, Johnson, A., Jones, Kerr, Lawson, Leas, Mayson, Montgomery, Miles, Myers, Mygatt, McKee, Newsom, Peyton E. A., Richardson, Smith, Stewart, Stites, Stringer, Stiles, Toy, Warren, Woodmansee, Yeoman—41.

NAYS—Messrs. Ballard, Compton, Hemmingway, Howe, Johnson S., Lack, McKnight, Stovall, Townsend, Walker—11.

Section 1:

Mr. Alcorn moved to amend by insrting the word "ten," in place of the word "five," in 10th line, and inserting the words "two thousand," in place of the word "five hundred," in 11th and 13th lines.

An amendment to the amendment was offered, as follows:

Strike out the word "ten," and insert "three thousand."

The amendment and the amendment thereto, were laid on the table.

Mr. Clarke moved to amend as follows:

After the word "years," in the 10th line, strike out to the word "and," in 12th line;

Which was adopted.

Mr. Compton moved to amend as follows:

Insert between the words "demanding" and "such," in 8th line the words "or accepting."

Mr. McKee moved to table;

Which was carried, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Bonney, Bridges, Brinson, Caldwell, Castello, Chappell, Clarke, Combash, Conley, Dowd, Drane, Elliott James, Fawn, Gibbs, Handy, Hauser, Howe, Jacobs, Johnson A., Kerr, Lawson, Leas, Miles, Myers, Mygatt, McKee, McKnight, Newsom, Parsons F., Richardson, Smith, Stewart, Stites, Stringer, Stiles, Toy, Woodmansee, Yeoman—40.

NAYS—Messrs. Ballard, Compton, Dalton, Goss, Hemmingway, Johnson S., Jones, Lack, Mayson, Montgomery, McCutchen, Townsend, Warren—13.

Mr. Gibbs moved to amend as follows:

Insert, after the word "shall," in 8th line, the words "upon conviction thereof before any court of competent jurisdiction, be disfranchised for the term of five years, and pay a fine of not less than five hundred dollars;"

Which was adopted.

Mr. Clarke moved to amend as follows:

Contracts that abridges or in any manner interfere with the right of suffrage, shall to that extent be void;

Which was lost.

Mr. Clarke moved to amend by striking off the letter "s," from the words abridges and affects.

And section 1 was adopted, and reads as written in the amended copy above, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Bonney, Brinson, Caldwell, Castello, Chappell, Clarke, Combash, Conley, Dowd, Drane, Elliott James, Fawn, Gibbs, Handy, Hauser, Howe, Jacobs, Johnson A., Jones, Lawson, Leas, Mayson, Montgomery, Miles, Myers, Mygatt, McKee, McKnight, Newsom, Parsons F., Richardson, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Warren, Williams, Woodmansee, and Yeoman—44.

NAYS—Messrs. Ballard, Compton, Dalton, Goss, Hemmingway, Johnson S., Lack, McCutchen, Townsend, and Walker—10.

Section 2:

Mr. Castello moved to amend as follows:

Insert the word "offering" after the word "for" in fourth line, and strike out all after the word "year" in the ninth line;

Which was adopted.

And section 2 was adopted, as amended, and reads as aforesaid.

Rules suspended, and the ordinance was read a third time and passed.

Referred to committee on Form and Arrangement.

Mr. James M. McKee was appointed as Enrolling Clerk.

The committee on Form and Arrangement asked the appointment of a Clerk, and Mr. H. T. Fisher was appointed as such.

The Convention adjourned to meet to-morrow morning at 9 o'clock.

T. P. SEARS,
*Secretary.*

## FIFTY-NINTH DAY.

JACKSON, MISS., Saturday, March 14th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Beam, Bridges, Brinson, Caldwell, Castello, Chappell, Clarke, Combash, Cunningham, Dalton, Dowd, Drane, Elliott James, Fawn, Field, Gibbs, Goss, Hauser, Hemmingway, Howe, Jacobs, Johnson S., Johnson A., Jones, Kerr, Lack, Lawson, Leas, Montgomery, Miles, Myers, Mygatt, McCutchen, McKee, McKnight, Newsom, Parsons F., Parsons J. R. Peyton E. A., Peyton E. G., Railsback, Richardson, Smith, Stewart, Stites, Stovall, Townsend, Toy, Vaughan, Walker, Warren, Williams, Woodmansee, and Yeoman—59.

The following delegates were absent:

Messrs. Barry, Bonney, Chapman, Collins, Compton, Conley, Elliott John, Fitzhugh, Gaither, Gray, Handy, Herbert, Holland, Hutto, Jamison, Leonard, Longmire, Mayson, Mask, Musgrove, Moore, Morgan, Neilson, Nelms, Nesbitt, Orr, Ozanne, Phillips, Powell, Quinn, Rainey, Stricklin, Stiles, Watson, and Weir—35.

Journal of yesterday read and approved.

Leaves of absence were granted to the following delegates: To Mr. Quinn for one day; Mr. Chapman for one day; Mr. Mayson for two days; Mr. Bonney for five days.

Mr. Montgomery moved that the vote adopting the 19th section of the Bill of Rights, had on yesterday, be reconsidered, so as to allow those members who were absent, and those voting in the negative, to vote or change their votes from the negative to the affirmative;

Which was carried.

Mr. Castello moved that the rules be suspended in order to permit Mr. Leas to introduce a resolution.

The rules were suspended, and Mr. Leas moved to strike from the Journal all proceedings had in reference to the warrants of this Convention on yesterday.

Previous question called, call sustained;

And the motion of Mr. Leas was adopted.

The Committee on General Provisions submitted the following report:

Mr. President: The Committee on General Provisions beg leave to make the following report:

Section 1. The political year of the State of Mississippi shall commence on the first Monday of January, in each year, and the general election shall be holden on the first Tuesday succeeding the first Monday in November biennially.

Sec. 2. It shall be the duty of the Legislature to provide a great seal for the State, which shall be kept by the Secretary of State, and all the official acts of the Governor, his approbation of the laws excepted, shall be thereby authenticated.

Sec. 3. Members of the Legislature, and all State, Judicial, Executive and Civil officers, shall, before they enter upon the duties of their respective offices, take and subscribe the oath of office prescribed by law for officers of the United States.

Sec. 4. The Legisluture shall pass such laws to prevent the evil practice of duelling as they may deem necessary, and may require all officers before they enter on the duties of their respective offices, to take and subscribe such oath as may be by law prescribed.

Sec. 5. The Legislature shall pass such laws to exclude from office and from sufferage, those who shall hereafter be convicted of bribery, perjury, forgery or other high crimes or misdemeanor, and every person shall be disqualified from holding an office or place of honor, trust or profit, under the authority of this State, who shall be convicted of having given or offered any bribe to procure his election or appointment.

Sec. 6. No person who denies the existence of a Supreme Being, or a future state of rewar 's and punishments, shall hold any office in the civil department of this State.

Sec. 7. No appropriations shall be drawn from the Treasury but in accordance with appropriations made by law; and an accurate account of the receipts and expenditures of the public money shall be annually published.

Sec. 8. The Legislature shall provide by law for the indictment and trial of persons charged with the commission of any felony in any county other than that in which the offense was committed, whenever, owing to prejudice or any other cause, an impartial grand or petit jury cannot be empaneled in the county in which the offense was committed.

Sec. 9. The credit of the State shall not be pledged or loaned in aid of any person, association, or corporation, nor shall the State hereafter become a stockholder in any corporation or association.

Sec. 10. The Legislature shall have no power to grant acts of incorporation to individuals for banks, or other moneyed institutions, or for insurance companies, or for any business purposes, when such acts shall provide for capital stock without enjoining on such corporation the payment of a tax of one-half of one per cent. per annum during the continuance of the charter, on the capital stock named in the grant; and this tax shall be levied and collected in the county in which the corporation is located.

Sec. 11. The term of office of all county, township, and precinct officers shall expire thirty days after this Constitution goes into effect, and the Governor shall thereafter appoint such officers, whose term of office shall continue until the Legislature shall provide by law for an election of said officers.

Sec. 12. It shall be the duty of the Legislature, at its first session after the adoption of this Constitution, to enact a law dividing the State into ten districts, and providing for the appointment of ten commissioners, one for each district, who shall hold their offices for the term of four years, and until their successors be duly appointed and qualified, whose duty it shall be to classify the lands of the State and equalize the value of the same for taxation.

Sec. 13. In all cases not otherwise provided for in this Constitution, the Legislature may determine the mode of filling all vacancies in all offices, and shall define their respective powers and duties, and provide suitable compensation for all officers.

Sec. 14. The Legislature, at its first session, shall provide by law for the sale of all delinquent tax lands, and the title to all lands thus disposed of shall be vested in the purchaser in fee simple.

Sec. 15. The Legislature shall direct by law in what manner and in what courts suits may be brought against the State.

Sec. 16. No laws of a general nature, unless otherwise provided for, shall be enforced until sixty days after the passage thereof.

Sec. 17. It shall be the duty of the Legislature to regulate by law the cases in which deductions shall be made from salaries of public officers for neglect of duty in their official capacity, and the amount of said deduction.

Sec. 18. Divorces from the bonds of matrimony shall not be granted but in cases provided for by law by suits in Chancery.

Sec. 19. Representatives in Congress to fill the existing vacancies shall be elected at the same time this Constitution is submitted to the electors of the State for ratification, and for the full term next succeeding their election; and thereafter the elections for Representatives in Congress shall be held biennially—the first election to be held on the first Tuesday after the first Monday in November preceding the expiration of said full term.

Sec. 20. The Legislature shall immediately provide by law for a complete and uniform registration by election districts, of the names of all qualified voters in this State, and shall also provide for the election or appointment of a Registrar or Registrars of elections in each county in the State, and prescribe the duties and compensation of said Registrars.

Sec. 21. The Legislature at its first session under this Constitution, shall designate by law such loyal paper or papers in each Congressional district as shall publish all legal advertising and such official printing as shall be required by law in in such Congressional district, and fix the compensation therefor.

Sec. 22. In all elections for Sheriff and Coroner, when two or more persons have an equal number of votes, and a higher number than any other person, the presiding Judge of the County Court of the county shall give the casting vote, and all contested elections for the said offices shall be decided by the Circuit Court of the proper county, in such manner as the Legislature by law prescribes.

Sec. 23. No corporate body shall hereafter be created, renewed, or extended, with the privilege of making, issuing, or putting in circulation any notes, bills, or other paper, or the paper of any other bank, to circulate as money, and the Legislature shall prohibit by law individuals or corporations from issuing bills, checks, tickets, promissory notes, or other paper as money; but nothing herein contained shall be construed as preventing corporations or associations from forming for such purposes under the Acts of Congress for a national system of banking.

Sec. 24. The property of all corporations for pecuniary profits shall be subject to taxation the same as that of individuals.

SEC. 25. No part of the Public School fund shall ever be invested in the stock or bonds, or other obligations of this or any other State, or of any bank, or of any county, city, town, or corporation.

SEC. 26. In each county there shall be appointed or elected as many Justices of the Peace as the public good may require. Their powers and duties, and their duration in office shall be regulated by law.

SEC. 27. The Legislature may provide by law for the election of all officers appointed under this Constitution.

SEC. 28. The Legislature shall not authorize any county, city or town, to become a stockholder in, or to loan its credit to any company, association or corporation, unless two-thirds of the qualified voters of such county, city or town, at a special or regular election, to be held therein, shall assent thereto.

SEC. 29. The Legislature shall never authorize any lottery, nor shall the sale of lottery tickets be allowed, nor shall any lottery heretofore authorized be permitted to be drawn, or tickets therein to be sold.

SEC. 30. No county shall be denied the right to raise, by special tax, money sufficient to pay for building and repairing court-houses, jails, bridges, and other necessary conveniences for the people of the county; and money thus collected shall never be appropriated for any other purposes; *Provided*, The tax thus levied shall be a certain per cent. on all tax levied by the State.

SEC. 31. Liabilities of banks, associations, and other corporations, shall be secured by legislative enactment, but in all cases no stockholder shall be individually liable over and above the stock by him or her owned.

E. J. CASTELLO,
*Chairman.*
GEORGE STOVALL,
CHAS. W. CLARKE,
*Committee.*

Report received, and 100 copies ordered to be printed, and the same made the special order for Wednesday next.

Mr. Kerr introduced the following:

*Be it resolved*, That all process or suits being prosecuted, or to be prosecuted, in the various courts in this State, as well as all judgments or executions for the enforcement or collection of money, be and the same are hereby suspended until the people ratify or refuse to ratify the Constitution to be adopted by this Convention, and that all Sheriffs and Constables in this State return all process in their hands for the collection of money to the proper offices.

Mr. Castello moved to refer the above to the committee on Staying the Collection of Debts;

Which was carried.

Mr. Smith introduced the following:

*Resolved*, That no Federal soldier who has been disabled from making a living by manual labor, on account of wounds received during the late war between the United States and the so-called Confederate States, shall hereafter be compelled to pay a poll-tax in this State.

Which was adopted.

Leave of absence was granted to Mr. Vaughan for eight days, commencing on Monday next.

Mr. Powell's leave of absence was extended two days.

Mr. Alderson moved to reconsider section 1, of the report of the committee on General Provisions;

Which was carried.

Mr. Alderson moved that the Convention go into Committee of the Whole, for the purpose of considering any amendments which may be offered to section 1, of the report of the committee on General Provisions;

Which was carried.

And after certain proceedings had therein, the committee rose and reported that the original section be adopted;

Which was carried.

Mr. Gibbs moved to take up the report of the Educational Committee, and pass the same to its third reading.

Mr. Parsons, of Adams, moved to lay on the table;

Which was lost.

Mr. Parsons, of Adams, moved to adjourn;

Which was lost.

And the motion of Mr. Gibbs was carried.

Section 1 was adopted, and reads as follows:

SECTION 1. The stability of republican form of government depending mainly upon the intelligence and virtue of the people, it shall be the duty of the General Assembly to encourage by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvements, by establishing a uniform system of free public schools, by taxation or otherwise, for all children between the ages of five and twenty-one years, and shall, as soon as practicable, establish schools of higher grade.

Section 2 was adopted, and reads as follows:

SEC. 2. There shall be a Superintendent of Public Education elected by the people, at the same time and manner as the Governor, who shall have the qualification of the Secretary of State, and hold his office for four years, and until his successor shall be elected and qualified, whose duty shall be the general supervision of the Common School Fund, and the educational interest of the State, and shall perform such other duties pertaining to his office, and receive such compensation as shall be prescribed by law; he shall report to the General Assembly, for its adoption, within twenty days after its first session under this Constitution, a uniform system of free public schools.

Section 3 was adopted, and reads as follows:

SEC. 3. There shall be a Board of Education, consisting of the Secretary of State, the Attorney General, and the Superintendent of Public Education, for the management and investment of the school funds, and perform such other duties as prescribed by law. The Superintendent and one other of said Board shall be a quorum.

Section 4:

Mr. Parsons moved that a committee of three be appointed to compare the Minutes of the Convention with the Official Journal, and report immediately;

Which was carried.

Messrs. Parsons, Combash, and Castello, were appointed a committee under the above motion.

Section 5:

Mr. Stites moved to amend, as follows:

*Provided*, That any parent or guardian who shall prefer sending to a private institution, shall be allowed to draw a proportion of the school fund, as heretofore.

Mr. Mayson moved to table the above;

Which was carried, by the following vote:

Yeas—Messrs. Alcorn, Ballard, Beam, Bridges, Brinson, Caldwell, Castello, Clarke, Combash, Cunningham, Dowd, Drane, Elliott James, Fawn, Field, Gibbs, Hauser, Jacobs, Johnson A., Jones, Lawson, Leas, Mayson, Miles, Myers, McKee, McKnight, Newsom, Parsons F., Parsons J. R., Peyton E. A., Railsback, Stewart, Stites, Stringer, Warren, Williams, Woodmansee, Yeoman—38.

Nays—Messrs. Dalton, Goss, Hemmingway, Howe, Johnson S., Kerr, Lack, Montgomery, McCutchen, Peyton E. G., Richardson, Smith, Stovall, Stiles, Townsend—15.

Mr. Field moved to amend as follows:

*Provided*, That when any parent or guardian shall prefer sending to a private institution, the amount of tax paid by them shall be refunded upon their presenting a certificate of a school master, that the children or wards have attended school the time prescribed by law.

Which was laid on the table.

Mr. Mayson moved the previous question;

Which was sustained.

And section 5 was adopted as printed, and reads as follows:

Sec. 5. A school shall be maintained in each school district at least four months in each year. Any school district neglecting to maintain such schools shall be deprived for that year of its proportion of the income of the free school fund and of all funds arising from taxes for the support of schools.

Section 6:

Mr. Peyton moved to amend as follows:

Add after the word "granted," in 8th line, the words "under the general law of the land;"

Which was carried.

Mr. Gibbs moved to postpone the further consideration of the report until Monday next.

Mr. Mayson moved to table;

Which was lost.

And the motion of Mr. Gibbs prevailed, and the further consideration of the report was postponed.

Mr. Castello moved to suspend the rules so that the Convention may adjourn until Monday morning, at 9 o'clock;

Which was lost.

Leave of absence was granted to Mr. Newsom, for ten days.

Mr. Howe moved that the Convention adjourn until 3 o'clock P. M.; which was carried.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

No quorum present.

Convention adjourned until 9 o'clock, Monday morning.

T. P. SEARS,
*Secretary.*

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## SIXTIETH DAY.

JACKSON, MISS., Monday, March 16th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Beam, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Compton, Dalton, Dowd, Elliott James, Fawn, Field, Gibbs, Goss, Hauser, Hemmingway, Herbert, Howe, Jacobs, Johnson S., Jones, Kerr, Lack, Lawson, Mayson, Mask, Montgomery, Miles, Mygatt, McCutchen, McKee, McKnight, Parsons J. R., Parsons F., Peyton E. A., Peyton E. G., Phillips, Quinn, Railsback, Richardson, Smith, Stewart, Stites, Stovall, Stiles, Townsend, Toy, Walker, Warren, Williams, Woodmansee, Yeoman—60.

The following delegates were absent:

Messrs. Barry, Bonney, Bridges, Collins, Conley, Cunningham, Drane, Elliott John, Fitzhugh, Gaither, Gray, Handy, Holland, Hutto, Jamison, Johnson A., Longmire, Musgrove, Moore, Morgan, Myers, Neilson, Nelms, Nesbitt, Munson, Orr, Ozanne, Powell, Rainey, Stricklin, Stringer, Vaughan, Watson, Weir—34.

Journal of Saturday was read and approved.

Leaves of absence were granted to the following named gentlemen for the period affixed to their names:

To Mr. Holland, for six days; to Mr. McKnight, for four days; to Mr. Cunningham, for one day; to Mr. Orr, until the 22d March; to Mr. S. Johnson, for four days.

The following report of the special committee, appointed on Saturday, was submitted, through their chairman:

*To the Hon. President and Members of the Constitutional Convention :*

Your special committee, to whom was referred section 4 of the report of the committee on Education, beg leave to report that the section, as printed, was passed by this Convention on March 7th, as appears from the original minutes of the Secretary.

Yours respectfully,
F. PARSONS, *Chairman.*
W. S. COMBASH.

On motion the report was received and the committee discharged.

Mr. Hauser moved to suspend the rules to permit Mr. Gibbs to introduce a resolution;

Which was carried.

Mr. Gibbs introduced the following:

WHEREAS, The Convention has nearly completed a Constitution, to be submitted to the people for ratification, and believing it to be of vital importance that the Constitution thus to be voted on should be so presented to the people as to secure a full and free expression of their opinions on the same, and that the relations of the State of Mississippi with the Federal Union should be restored as speedily as possible: therefore, be it

*Resolved*, That in accordance with the powers conferred by sections 5 and 8 of the supplementary reconstruction bill of March 2, 1867, that a committee of five be appointed from the members of this Convention, to be designated the "Committee on General Arrangements," who shall have power to sit during the adjournment of the Convention, to confer with the General commanding this District, and arrange a plan for holding the elections for the ratification or rejection of the Constitution, the election of State officers, and members of the State Legislature, and all other powers necessary to carry into effect the purposes of the Reconstruction Acts and the Acts supplementary thereto.

*Be it further resolved*, That said committee shall hold their meetings at the State Capital during the adjournment of the Convention, and shall, as soon as possible after the elections are held, ascertain and make proclamation of the result thereof, and in case the Constitution is rejected, shall immediately issue a proclamation for the re-assembling of the Convention. Said committee shall receive such compensation for their services as may hereafter be determined and provided for; and their term of service shall continue until the result of the elections are ascertained and proclamation made of the same, and in case of the rejection of the Constitution, until the re-assembling of the Convention, and no longer.

Mr. Alderson moved to receive and adopt.

Mr. Parsons, of Adams, moved to receive and refer to a select committee of five, the mover of the resolution to be the chairman;

Which was adopted.

Mr. Clarke moved to suspend the rules, to further consider the report of the Committee on Education.

And section 6 was adopted, as amended, and reads as follows:

SECTION 6. There shall be established a common school fund, which shall consist of the proceeds of the lands now belonging to the State, heretofore granted by the United States, and the lands known as "swamp lands," except the swamp lands lying and situated on Pearl river, in the counties of Hancock, Marion, Lawrence, Simpson and Copiah, and of all lands now or hereafter vested in the State by escheat, or purchase, or forfeiture for taxes, and the clear proceeds of all fines collected in the several counties, for any breach of the penal laws, and all moneys received for licenses granted under the general laws of the State for the sale of intoxicating liquor, or keeping of dram shops, all moneys paid as an equivalent for persons exempt from military duty, and the funds arising from the consolidation of the Congressional township funds, and the lands belonging thereto, together with all moneys donated to the State for school purposes, shall be securely invested in United States bonds, and remain a perpetual fund, which may be increased but not diminished, the interest of which shall be inviolably appropriated for the support of free schools.

Section 7 was adopted, as printed, and reads as follows:

SECTION 7. The Legislature may levy a poll-tax not to exceed two dollars *per capita* in aid of the school fund, and for no other purpose.

Mr. McKee moved that the Convention go into a Committee of the Whole, for the purpose of considering section 8;

Which was carried.

Mr. E. G. Peyton in the Chair;

And after certain proceedings had therein, the Committee rose, and, through their Chairman, reported as follows:

MR. PRESIDENT: The Committee instruct me to report that they recommend that the section be amended as follows:

After the word "college," in the fourth line, insert the words "or colleges," and ask its adoption;

Which was adopted.

Mr. Townsend moved that the further consideration of the section be indefinitely postponed.

Mr. Stringer moved to table the motion to indefinitely postpone;

Which was carried, by the following vote:

YEAS—Messrs. Alcorn, Ballard, Bridges, Brinson, Caldwell, Castello, Chapman, Clarke, Combash, Cunningham, Dowd, Elliott James, Fawn, Field, Gibbs, Jacobs, Johnson A., Lawson, Leas, Mayson, Mygatt, McKee, McKnight, Parsons F., Parsons J. R., Peyton E. A., Quinn, Railsback, Richardson, Smith, Stewart, Stites, Stringer, Warren, Williams, Yeoman—36.

NAYS—Messrs. Alderson, Beam, Chappell, Compton, Dalton, Goss, Hauser, Hemmingway, Howe, Johnson S., Jones, Lack, Montgomery, Miles, McCutchen, Peyton E. G., Phillips, Stiles, Townsend, Toy, Woodmansee—20.

And section 8, as amended, was adopted, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Ballard, Barry, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Cunningham, Dowd, Elliott James, Fawn, Field, Gibbs, Howe, Jacobs, Johnson A., Lawson, Leas, Mayson, Miles, Mygatt, McKee, McKnight, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Quinn, Railsback, Richardson, Smith, Stewart, Stites, Stringer, Toy, Warren, Williams, Woodmansee, and Yeoman—43.

NAYS—Messrs. Beam, Compton, Dalton, Goss, Hauser, Hemmingway, Herbert, Johnson S., Jones, Lack, Montgomery, McCutchen, Phillips, and Townsend—14.

And read as follows:

SEC. 8. The Legislature shall, as soon as practicable, provide for the establishment of an Agricultural College, or Colleges, and shall appropriate the two hundred and ten thousand acres of land donated to the State for the support of such a College by the Act of Congress, passed July 2d, 1865, or the money or scrip, as the case may be, arising from the sale of said lands or any lands which may hereafter be granted, or appropriated for such purpose.

Section 9 was adopted, and reads as follows:

SEC. 9. No religious sect or sects, shall ever control any part of the school or university funds of this State.

Section 10 was adopted, and reads as follows:

SEC. 10. The Legislature shall from time to time, as may be necessary, provide for the levy and collection of such taxes as may be required to properly support the system of free schools herein adopted.

Mr. Clarke moved to reconsider section 4, and that the Convention go into Committee of the Whole;

Which was carried.

Mr. Field in the Chair;

And after certain proceeding had therein, the committee of the Whole, through their chairman, Mr. Field, reported the adoption of the following amendment to section 4:

Insert after the word "education" in second line, the words "for each county," and that the proviso be placed at the end of the section, after the words "prescribed by law," and that the words "after the year, A. D. 1872, " be stricken out, and recommend the adoption of the report;

And under the operation of the previous question, the report was adopted, and section 4, as amended was adopted, by the following vote:

YEAS—Messrs. Ballard, Beam, Castello, Chappell, Clarke, Combash, Cunningham, Dalton, Dowd, Elliott James, Field, Gibbs, Goss, Hemmingway, Herbert, Howe, Jacobs, Johnson S., Jones, Kerr, Lack, Mayson, Mask, Montgomery, Miles, McCutchen, McKnight, Parsons F., Parsons J. R., Peyton E. G., Quinn, Railsback, Richardson, Smith, Stites, Stiles, Townsend, Williams, Woodmansee, and Yeoman—40.

NAYS—Messrs. Alcorn, Barry, Brinson, Caldwell, Johnson A., Lawson, Leas, Mygatt, McKee, Peyton E. A., Stewart, Stringer, and Warren—13.

Mr. Castello moved to reconsider the vote adopting section 4 as amended.

A motion to table the motion to reconsider, was lost.

And the motion to reconsider was lost, by the following vote:

YEAS—Messrs. Alcorn, Barry, Brinson, Caldwell, Castello, Chapman, Clarke, Combash, Dowd, Jacobs, Johnson A., Lawson, Leas, Mayson, Miles, Mygatt, McKee, Peyton E. A., Quinn, Railsback, Stewart, Stites, Stringer, Warren, Williams, and Yeoman—26.

NAYS—Messrs. Ballard, Beam, Chappell, Cunningham, Dalton, Elliott James, Field, Gibbs, Goss, Hemmingway, Herbert, Howe, Johnson S., Jones, Kerr, Lack, Mask, Montgomery, McCutchen, McKnight, Parsons F., Parsons J. R., Peyton E. G., Richardson, Smith, Stiles, Townsend, and Woodmansee—28.

And section 4 reads as follows:

SEC. 4. There shall be a Superintendent of Public Education for each county, who shall be appointed by the Board of Education, by and with the advice and consent of the Senate, whose term of office shall be two years, and whose compensation and duties shall be prescribed by law; *Provided*, That the Legislature shall have power to make said office of County School Superintendent of the several counties elective, as other county officers are.

On motion of Mr. Castello, the report was read by its title the third time, and passed as a whole.

On motion of Mr. Clarke, it was referred to the committee on Form and Arrangement.

Mr. Parsons, of Adams, moved to suspend the rules, to permit him to introduce a resolution;

Which was lost.

Mr. Cunningham moved to suspend the rules to permit him to introduce a resolution;

Which was carried.

And Mr. Cunningham offered the following:

*Resolved*, That the committee on Printing instruct the Convention Printer to print a sufficient number of copies of the tax bill, and all necessary notices, for distribution to the Sheriffs of the State.

Mr. Parsons, of Adams, offered the following as an amendment to the resolution:

*Resolved*, That Gen. Gillem be requested to issue an order directing the State officers to perform all duties required of them by tax ordinance passed February 27th, not alluded to in General Orders No. 10, and that Sheriffs procure the blanks necessary to collect the tax on cotton, and that the Secretary forward a copy of this resolution to Gen. Gillem; and, be it further

*Resolved*, That 1,500 copies of the tax ordinance passed February 27, 1868, and the amendment to the ordinance as passed, together with General Orders No. 10, current series, Headquarters, Fourth Military District, therewith, be published in pamphlet form for the information of the people.

The original resolution, and the amendment of Mr. Parsons, were lost—no quorum voting.

Mr. Castello moved to suspend the rules to permit him to introduce a resolution.

A motion to adjourn was lost.

A motion to suspend the rules was lost.

Mr. McKee moved to suspend the rules to permit him to introduce a resolution.

Rules suspended, and Mr. McKee introduced the following:

*Resolved*, That the Finance Committee be instructed to confer with the State Auditor, and ascertain whether he will or will not comply with the requirements of section 19 of the tax ordinance; the committee to report at the afternoon session.

Which was adopted.

The Convention adjourned until 3 o'clock P. M.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alcorn, Ballard, Barry, Beam, Brinson, Caldwell, Castello, Chapman, Clarke, Combash, Cunningham, Dalton, Dowd, Elliott James, Field, Gibbs, Goss, Hemmingway, Herbert, Hutto, Jacobs, Johnson S., Johnson A., Jones, Kerr, Lack, Leas, Longmire, Mayson, Mask, Musgrove, Montgomery, Miles, Myers, Mygatt, McKee, McKnight, Parsons F., Parsons J. R., Peyton E. G., Phillips, Powell, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Townsend, Walker, Warren, Williams, Woodmansee, and Yeoman—55.

The following delegates were absent:

Messrs. Alderson, Bonney, Bridges, Chappell, Collins, Compton, Conley, Drane, Elliott John, Fawn, Fitzhugh, Gaither, Gray, Handy, Hauser, Holland, Howe, Jamison, Lawson, Leonard, Moore, Morgan, Neilson, Nelms, Nesbitt, Newsom, Orr, Ozanne, Peyton E. A., Quinn, Railsback, Rainey, Richardson, Stricklin, Toy, Vaughan, Watson, and Weir—39.

Mr. Alderson moved to suspend the rules to enable him to call up the communication of the Public Printer, submitted February 25, 1868.

Rules suspended, and Mr. Musgrove moved to refer to committee on Printing;

Which was carried.

The Convention proceeded to the consideration of the report of the committee on the Executive Department, which was on its third reading by sections.

Section 1 was adopted as printed, and reads as follows:

SECTION 1. The chief executive power of this State shall be vested in a Governor, who shall hold his office for four years, from January 1, A. D. 1869.

Section 2 was adopted as printed, and reads as follows:

SECTION 2. The Governor shall be elected by the qualified electors of the State. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives at the next ensuing session of the Legislature, during the first week of which session, the said Speaker shall open and publish them in the presence of both houses of the Legislature. The person having the highest number of votes shall be Governor; but if two or more shall be equal and highest in votes, then one of them shall be chosen Governor by the joint ballot of both houses of the Legislature. Contested elections for Governor shall be determined by both houses of the Legislature in such manner as shall be prescribed by law.

Section 3 was adopted as printed, and reads as follows:

SEC. 3. The Governor shall be at least thirty years of age, and shall have been a citizen of the United States twenty years, shall have resided in this State two years next preceding the day of his election.

Section 4 was adopted as printed, and reads as follows:

SEC. 4. He shall receive for his services such compensation as shall be provided by law.

The vote adopting section 1 was reconsidered.

Mr. Cunningham moved to strike out all after "years," in the fourth line;

Which was carried.

Mr. Townsend moved to amend section 1 (one), as follows:

Insert after the word "years," the words, "from the date of his installation."

Mr. Castello moved to lay the amendment on the table;

Which was carried.

Mr. Cunningham moved to amend as follows:

From the date of his election;

Which was laid on the table.

Mr. Clark moved to amend as follows:

From January 1st succeeding his election.

Mr. Cunningham moved to amend as follows:

*Provided*, That the first Governor elected under this Constitution shall hold his office for four years, from January 1st, A. D. 1869.

A motion to adjourn was lost.

And the amendment of Mr. Cunningham was laid on the table.

Mr. Leas offered as an amendment to the amendment by Mr. Clarke, and by him accepted, the following:

From the second Tuesday of January next succeeding his election;

Which was lost.

Convention adjourned until to-morrow morning, at 9 o'clock.

T. P. Sears.
*Secretary.*

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## SIXTY-FIRST DAY.

Jackson, Miss., Tuesday, March 17th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Beam, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Compton, Dalton, Dowd, Drane, Elliott Jas., Field, Gaither, Gibbs, Goss, Hauser, Hemmingway, Herbert, Howe, Hutto, Jacobs, Johnson A., Jones, Kerr, Lack, Lawson, Leas, Longmire, Mayson, Mask, Musgrove, Montgomery, Miles, Myers, Mygatt, McCutchen, Newsom, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Phillips, Powell, Quinn, Railsback, Richardson, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Townsend, Toy, Walker, Warren, Williams, Woodmansee, and Yeoman—66.

The following delegates were absent:

Messrs. Barry, Bonney, Collins, Conley, Cunningham, Drane, Elliott John, Fawn, Fitzhugh, Gray, Handy, Holland, Jamison, Joh son S., Leonard, Moore, Morgan, McKee, McKnight, Neilson, Nelms, Nesbitt, Orr, Ozanne, Rainey, Stricklin, Vaughan, Watson, and Weir—28.

Journal of yesterday read and approved.

Leaves of absence were granted to Mr. Fawn for four days, and to Mr. McKee for one day.

The President announced the following committee on Elections, in accordance with the preamble and resolution of Mr. Gibbs, introduced on yesterday:

Mr. Gibbs, of Wilkinson,
*Chairman.*
Mr. Barry, of Holmes;
Mr. Bridges, of Choctaw;
Mr. Stringer, of Warren.

The committee on Printing submitted the following report:

*To the Hon. President and Members of the Mississippi Constitutional Convention:*

The committee on Printing, to whom was referred the communication of the Public Printer, beg leave to make the following report:

That the manner in which the reports are required to be printed in the ordinance relating to printing, passed February

8, 1868, was not in accordance with the established style of the reports as they had been furnished to the Convention prior to the passage of the ordinance relating thereto; further, the requirements of the ordinance would occupy the entire page, thereby leaving no room for amendments. There seems to be no occasion to call the attention of the Convention to the manner in which the reports are furnished.

Upon further examination of the ordinance, the committee find that the Journal is required to be printed in brevier type, and in double columns, thirty-six ems in width, and fifty-five ems in length.

This style is not uniform in size with former journals of the Legislature and Conventions of this State, and your committee are of opinion that no more matter would be contianed on a page than upon the pages of said journals.

The committee also find, that by the ordinance passed February 8, 1868, all accounts for printing require the certificate of the committee on Printing, as to their correctness, before payment can be made ; as the committee will cease to exist on the adjournment of the Convention, and its members scattered in different parts of the State, your committee are of opinion that some provision should be made to meet the contingency likely to occur.

They, therefore, submit the following ordinance, and recommend its adoption:

SECTION 1. *Be it ordained by the people of the State of Mississippi, in Convention assembled,* That for all bills, ordinances, and resolutions printed in bill form by direction of the Convention, the Official Printer shall be paid, per page, such compensation as is allowed for said printing by the provisions of section 2, of the ordinance passed by this Convention, February 8, 1868.

SEC. 2. *Be it further ordained,* That the Official Journal, Ordinances, and the Constitution submitted by the Convention, shall be twenty-eight ems wide, and fifty-one ems in length, and printed in single column. The proceedings to be set in small pica type leaded, and the debates and ordinances, in long primer type solid.

SEC. 3. *Be it further ordained,* That after the adjournment of this Convention and the Constitution shall have been submitted to the electors of the State for ratification or rejection, all accounts for printing shall be certified to by the President and Secreatary of this Convention as being correct, before warrants shall be issued in payment thereof.

SEC. 4. *Be it further ordained,* That all ordinances or parts of ordinances conflicting with any of the provisions of this ordinance, be, and the same are hereby repealed.

E J. CASTELLO,
*Chairman pro tem.*

Report received, lies over under the rules, and 100 copies ordered to be printed.

Mr. Parsons, of Adams, moved to suspend the rules, to enable him to introduce a resolution;

Which was carried.

The resolution reads as follows:

*Resolved*, That one thousand copies of the Tax Ordinance, with the amendment, together with General Order No. 10, from Headquarters Fourth Military District, be printed for general circulation.

Which was adopted.

The Convention resumed the consideration of section 1, of the report of the Executive Committee, which report was upon its third reading.

And section 1 was adopted, and reads as follows:

Sec. 1. The chief executive power of this State shall be vested in a Governor, who shall hold his office for four years.

Section 5 was adopted, and reads as follows:

Sec. 5. He shall be Commander-in-Chief of the army and navy of the State, and of the militia, except when they shall be called into the service of the United States.

Section 6 was adopted, and reads as follows:

Sec. 6. He may require information, in writing, from the officers in the Executive Department on any subject relating to the duties of their respective offices.

Section 7:

Mr. Musgrove moved to amend as follows:

Strike out all after the word "at," in third line, to the word "the," in fourth line;

Which was carried.

Mr. Gaither moved to amend the section as follows:

Strike out the words "since their last adjournment," in sixth and seventh lines;

Which was carried.

And section 7 was adopted as amended, and reads as follows:

Sec. 7. He may, in cases of emergency, convene the Legislature at the seat of government, or at a different place, if that shall have become dangerous from an enemy, or from disease; and in case of disagreement between the two houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not beyond the day of the next stated meeting of the Legislature.

Section 8 was adopted, and reads as follows:

Sec. 8. He shall, from time to time, give the Legislature information of the state of the government, and recommend to their consideration such measures as he may deem necessary and expedient.

Section 9 was adopted, and reads as follows:

Sec. 9. It shall be his duty to see that the laws are faithfully executed.

Section 10 was adopted, and reads as follows:

Sec. 10. In all criminal and penal cases, except in those of treason and impeachment, he shall have power to grant reprieves and pardons, and remit fines, and in cases of forfeiture, to stay the collection until the end of the next session of the Legislature, and to remit forfeitures by and with the consent of the Senate. In cases of treason he shall have power to grant reprieves by and with the consent of the Senate, but may respite the sentence until the end of the next session of the Legislature.

Section 11 was adopted as printed, and reads as follows:

Sec. 11. All commissions shall be in the name and by authority of the State of Mississippi, be sealed with the great seal, and signed by the Governor, and be attested by the Secretary of State.

Section 12 was adopted, and reads as follows:

Sec. 12. All vacancies not provided for in this Constitution, shall be filled in such manner as the Legislature may prescribe.

Section 13 was adopted, and reads as follows:

Sec. 13. There shall be a Lieutenant Governor, who shall be elected at the same time, in the same manner, and for the same term, and shall possess the same qualifications as the Governor.

Section 14 was adopted, and reads as follows:

Sec. 14. He shall, by virtue of his office, be President of the Senate. In Committee of the Whole, he may debate on all questions, and when there is an equal division in the Senate, or on a joint vote of both Houses, he shall give the casting vote.

Section 15 was adopted, and reads as follows:

Section 15. He shall receive for his services such compensation as may be provided by law.

Section 16 was adopted, and reads as follows:

Section 16. When the office of Governor shall become vacant by death or otherwise, the Lieutenant Governor shall possess the powers and discharge the duties of said office, and receive the same compensation as the Governor, during the remainder of the said term. When the Governor shall be absent from the State, or unable, from protracted illness, to perform the duties of his office, the Lieutenont Governor shall discharge the duties of said office, and receive said compensation until the Governor be able to resume his duties; but if, from disability, or otherwise, the Lieutenant Governor shall be incapable of performing said duties, or if he be absent from the State, the President of the Senate *pro tempore* shall act in his stead, but if there be no such President, or if he be disqualified by like disability, or be absent from the State, then the Speaker of the House of Representatives shall assume the office of Governor and perform said duties, and receive the same compensation as the Governor, and in case of the inability of the foregoing officers to discharge the duties of Governor, the Secretary of State shall convene the Senate to elect a President *pro tempore*.

Section 17 was adopted as printed, and reads as follows:

Section 17. In case the election for Lieutenant Governor shall be contested it shall be decided in the same manner as that of the Governor.

Section 18:

Mr. Gaither moved that the Convention go into Committee of the Whole on the consideration of the above section;

Which was carried.

Mr. Gibbs in the chair;

And after certain action had therein the committee rose and reported the following amendments:

After the word "be," in the third line, insert the words "at least," and after the words "one year," in the fifth line, insert the words "next preceding the day of his election," and strike out the words "at the time of;"

Which was carried.

And strike out the word "fair," in the eighth line, and insert the word "correct."

Which was carried.

And the amendments as reported by the committee being adopted by the Convention, the section was adopted, as amended, and reads as follows:

SECTION 18. The Secretary of the State shall be elected by the qualified electors of the State, and shall be at least twenty-five years of age, and a citizen of the State one year next preceding the day of his election, and shall continue in office during the term of four years; he shall keep a correct register of all the official acts and proceedings of the Governor, and shall, when required, lay the same and all papers, minutes and vouchers relative thereto before the Legislature, and shall perform such other duties as may be required of him by law.

Section 19 was adopted as printed, and reads as follows:

SECTION 19. There shall be a seal of this State kept and used by him officially, and be called the Great Seal of the State of Mississippi.

Mr. Townsend moved to transpose the numbers of sections 20 and 21;

Which was carried.

Section 20:

Mr. Townsend moved to go into Committee of the Whole on consideration of section 20;

Which was carried.

Mr. Musgrove in the chair;

And after certain action had therein the committee recommended the adoption of the section, with the following amendment:

Add, after the word "State," in the last line, the words "and together with the last named officer, shall receive such compensation as shall be provided by law."

The report was received and the amendment adopted.

Section 20 was adopted, as amended, and reads as follows:

SEC. 20. A State Treasurer and Auditor of Public Accounts shall be elected by the qualified electors of the State, who shall hold their offices for the term of four years, unless sooner removed, and shall possess the same qualifications as the Secretary of State, and together with the last named officer, shall receive such compensation as shall be provided by law.

Mr. Chappell moved to reconsider the vote by which section 19 was adopted;

Which was carried.

On motion of Mr. Compton, the Convention went into a Committee of the Whole on the consideration of the balance of the report, with Mr. E. G. Peyton in the Chair; and after certain proceedings had therein, the committee rose, and through its chairman, reported the following amendment to section 19:

After the word "kept," in the second line, insert the words, "by the Governor."

The report of the committee was received and adopted.

And section 19 was adopted as amended, and reads as follows:

Sec. 19. There shall be a seal of this State kept by the Governor, and used by him officially, and be called the Great Seal of the State of Mississippi.

The committee further recommend that section 19 be inserted after section 10 of the printed bill;

Which was carried.

The committee further recommend that section 21 be so amended as to read as follows:

Sec. 21. A Sheriff and one Coroner, a Treasurer, an Assessor, and Surveyor, shall be elected in each county by the qualified electors thereof, who shall hold their offices for two years, unless sooner removed.

The report of the committee was adopted.

The committee further recommend that section 22 of the printed bill be so amended as to read as follows:

Sec. 22. All officers named in this article shall hold their offices during the term for which they were elected, unless removed by impeachment or otherwise, and until their successors shall be duly qualified to enter on the discharge of their separate duties.

The report of the committee was adopted.

And the committee further recommend that section 23 be stricken out.

Report received and adopted.

Mr. Parsons, of Adams, moved to reconsider the vote adopting section 14;

Which was lost.

Mr. Leas moved to adopt the report as a whole;

Which was carried.

Mr. Castello moved to refer the report to the committee on Form and Arrangement;

Which was carried.

The report in relation to establishing certain official papers, came up, and on motion, was indefinitely postponed.

The rules were suspended to permit the committee on the Judiciary to submit the following supplemental report:

Section 16. A Probate Court shall be established, with jurisdiction in all matters testamentary, and of administration, in minors' business, and allotment of dower, and in cases of idiocy, lunacy, and persons *non compos mentis.*

SEC. 17. The Legislature shall divide the State into a convenient number of Probate Districts, to be composed of not more than five counties. The Judges of Probate Courts shall be appointed in the same manner as Circuit Judges are, and shall have the same qualifications, and hold their offices for the term of two years. They shall hold a court in each county at least four times a year, and shall receive such compensation as may be fixed by law.

SEC. 18. The Clerk of the High Court of Errors and Appeals, shall be appointed by said Court for the term of four years; and the Clerks of the Circuit and other inferior courts, shall be elected by the qualified electors of their several counties or districts, and shall hold their offices for the term of two years. The duties of the Probate Clerks in vacation may be specially provided for by law, subject to revision or approval of the Probate Judge.

A. ALDERSON,
E. G. PEYTON.

The report was received, and under the rules lies over, and 100 copies ordered to be printed.

The Convention adjourned until 3 o'clock.

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Compton, Dalton, Dowd, Drane, Elliott James, Fawn, Field, Gaither, Gibbs, Goss, Hauser, Hemmingway, Herbert, Howe, Hutto, Jacobs, Jamison, Johnson A., Jones, Kerr, Lack, Lawson, Leas, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Miles, Moore, Myers, Mygatt, McCutchen, Parsons F., Peyton E. G., Phillips, Powell, Quinn, Railsback, Richardson, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Townsend, Toy, Walker, Warren, Williams, Woodmansee, and Yeoman—68.

The following delegates were absent:

Messrs. Bonney, Collins, Conley, Cunningham, Elliott John, Fitzhugh, Gray, Handy, Holland, Johnson S., Morgan, McKee, McKnight, Neilson, Nelms, Nesbitt, Newsom, Orr, Ozanne, Parsons J. R., Peyton E. A., Rainey, Stricklin, Vaughan, Watson, and Weir—26.

The rules were suspended to take up and consider the ordinance submitted by the committee on Printing this morning.

Read the first time and the further consideration was postponed until printed.

The report of the committee on General Provisions was taken up and passed its first reading.

Mr. Gibbs moved that the rules be suspended that the report may be put upon its second reading;

Which was carried.

Mr. Gibbs moved that the Convention go into Committee of the Whole for the consideration of the report;

Which was carried.

Mr. Musgrove in the chair;

The committee rose and reported progress, and asked leave to sit again.

Report received and request granted.

The Convention adjourned until to-morrow morning at 9 o'clock, A. M.

T. P. SEARS,
*Secretary:*

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## SIXTY-SECOND DAY.

JACKSON, MISS., Wednesday March 18th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alcorn, Ballard, Barry, Beam, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Compton, Dalton, Dowd, Drane, Elliott James, Gaither, Gibbs, Goss, Handy, Hauser, Hemmingway, Herbert, Howe, Hutto, Jacobs, Jamison, Johnson A., Jones, Kerr, Lack, Lawson, Leas, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Miles, Moore, Morgan, Myers, Mygatt, McCutchen, McKee, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Phillips, Powell, Quinn, Railsback, Richardson, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Townsend, Toy, Warren, Williams, Woodmansee, and Yeoman—70.

The following delegates were absent:

Messrs. Bonney, Collins, Conley, Cunningham, Elliott John, Fawn, Field, Fitzhugh, Gray, Holland, Johnson S., McKnight, Neilson, Nelms, Nesbitt, Newsom, Orr, Ozanne, Rainey, Stricklin, Vaughan, Walker, Watson, and Weir—24.

Journal of yesterday read and approved.

Leave of absence was granted Mr. Ozanne for one day.

Mr. F. Parsons, from the committee on Judiciary submitted the following report:

*To the President and Members of the Convention:*

As a part of your committee to whom was referred the remaining part of the Judiciary report not adopted, and in accordance with your instructions, I beg leave to submit the following report.

FRED. PARSONS.

SECTION. —. Chancery Courts shall be established in each county in this State, with full jurisdiction in all matters of equity, and of divorce and alimony. The Circuit Court Judge shall be the Chancellor of these Courts in his District, and the said Chancery Courts shall be held at the same time and place that the Circuit Courts are held.

SEC. —. A Court of Probate shall be established in each county of this State, with jurisdiction in all matters testamentary, or of administration in orphans' business and allotment of dower, in cases of idiocy and lunacy, and of persons *non compos mentis.* The Judge of tne Law Court shall be elected by the qualified electors of the respective counties for the term of four years, and until his successor shall be elected and qualified.

SEC. —. The Clerk of the High Court of Errors and Appeals shall be appointed by the said Court for the term of four years.

SEC. —. There shall be a Clerk of the Circuit Court elected in each county by the qualified electors thereof, who shall, also be *ex officio* Clerk of the Probate Court, and shall hold his office for two years, and until his successor shall be elected and qualified; in case of a vacancy in said office, the Board of County Supervisors shall have power to appoint a Clerk, until the vacancy can be filled by election.

SEC. —. The style of all process shall be "the State of Mississippi," and all prosecutions shall be carried on in the name and by the authority of "the State of Mississippi," and shall conclude "against the peace and dignity of the same."

SEC. —. The qualified electors of each county shall elect five persons by districts for the term of two years, who shall constitute a Board of Supervisors for each county, a majority of whom may transact business, which body shall have full jurisdiction over roads, fences, highways, and bridges, and all other matters of county business, and shall order all county elections to fill vacancies that may arise in their respective counties.

SEC. —. No person shall be eligible as a member of said Board of Supervisors who shall not have resided in the county one year, but this qualification shall not extend to such new counties as may hereafter be established until one year after their organization, and all vacancies that may occur in said Board shall be supplied by election as aforesaid to fill the unexpired term.

SEC. —. The Judges of all the courts of this State, and also the members of the Board of County Supervisors in virtue of their offices shall be conservators of the peace, and shall be by law vested with ample powers in this respect.

SEC. —. A competent number of Justices of the Peace, and Constables shall be elected in each county by the qualified electors thereof by districts, who shall hold their offices for the term of two years; the jurisdiction of the Justices of the Peace shall be limited by law to causes in which the principal of the amount in controversy shall not exceed the sum of one hundred and fifty dollars; in all cases tried by a Justice of the Peace, the right of appeal, except when the amount in controversy shall not exceed twenty dollars, shall be secured under such rules and regulations as shall be prescribed by law.

SEC. —. The Legislature shall from time to time establish such other courts as may be necessary, and abolish the same whenever they shall deem it expedient.

SEC.—There shall be an Attorney General elected by the qualified electors of the State, and a County Attorney for each county shall be elected by the qualified electors of the respective counties, whose term of office shall be four years, and whose compensation shall be prescribed by law.

SEC.— The Legislature shall provide by law for determining contested elections.

SEC.— Judges of Probate, Clerks, Sheriffs, and other county officers for wilful neglect of duty or misdemeanor in office, shall be liable to presentment or indictment by a grand jury and trial by petit jury, and, upon conviction, shall be removed from office.

SEC.— The Legislature at its first session after the adoption of this Constitution, shall provide for the appointment of three Commissioners whose duty it shall be to inquire into, revise and simplify the rules of practice, pleadings, forms, and proceedings, and arrange a system adopted to the courts of record of this State, and report the same to the Legislature, subject to their modification and adoption; and such commission shall terminate upon the rendering of the report, unless otherwise provided by law.

SEC.— The testimony in causes in equity, shall be taken in like manner as in cases at law, and the office of Master in Chancery or Chancellor is hereby prohibited.

SEC.— The Legislature shall have the power, if necessary, to impose a tax on all civil suits commenced or prosecuted in any court of record, which shall constitute a fund to be applied towards payment of the salaries of Judges.

Report received and, under the rules, lies over, and one hundred copies ordered to be printed.

Mr. Gibbs, of the same committee, submitted the following:

*To the Honorable President and Members of the Constitutional Convention:*

The undersigned, a member of the committee to whom was referred a portion of the Judiciary report, begs leave to recommend that the original report of the committee be adopted, with the single change of the times of holding the Circuit Courts, and recommends that said courts be held at least three times in each county during each year.

Respectfully,
W. H. GIBBS.

Report received and ordered to be printed with the report of Mr. Parsons.

Mr. Dowd moved that a committee of five be appointed on County Boundaries;

Which was carried.

Mr. Castello introduced the following:

*Resolved*, That the Public Printer be directed to furnish the State Auditor with such blanks as may be required for the collection of the Convention tax.

Which was adopted.

Mr. Clarke moved that the Convention resolve itself into a Committee of the Whole to take up and consider report of committee on General Provisions;

Which was carried.

Committee rose and recommended, through their chairman, Mr. Alderson, that section 3 of the report of committee on General Provisions be indefinitely postponed;

Report received.

Mr. Clarke moved to suspend the rules so as to take up report of committee on Franchise;

Which was lost.

Mr. Gibbs moved to adopt the report of Committee of the Whole on General Provisions.

Mr. Townsend moved to amend by referring back to Committee of the Whole;

Which was carried.

Mr. Gibbs moved to go into Committee of the Whole.

Mr. McKee moved to table;

Which was carried.

Mr. Gibbs moved to go into Committee of the Whole on report of committee on Franchise;

Which was carried.

Mr. Musgrove in the chair;

After certain action had therein, the committee rose, reported progress, and through their chairman, asked leave to sit again.

Report received, and request granted.

Mr. E. G. Peyton moved to take up the majority report of the committee on Franchise, read it by sections, and act upon the same.

Pending which, the Convention adjourned until 3 o'clock P. M.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs, Alderson, Ballard, Barry, Beam, Bridges, Brinson, Caldwell, Castello, Chapman, Clarke, Combash, Compton, Dalton,Dowd, Drane, Elliott James, Gaither, Gibbs, Goss, Handy, Hauser, Hemmingway, Herbert, Howe, Hutto, Jacobs, Johnson A., Jones, Kerr, Lack, Lawson, Leas, Longmire, Mayson, Mask, Musgrove, Montgomery, Miles, Moore, Myers, Mygatt, McCutchen, McKee, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Phillips, Powell, Railsback, Richardson, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Townsend, Toy, Walker, Warren, Williams, Woodmansee, Yeoman—67.

The following delegates were absent:

Messrs. Alcorn, Bonney, Chappell, Collins, Conley, Cunningham, Elliott John, Fawn, Field, Fitzhugh, Gray, Holland, Jamison, Johnson S., Leonard, McKnight, Neilson, Nelms, Nesbitt, Newsom, Orr, Ozanne, Rainey, Stricklin, Vaughan, Watson, Weir—27.

Leave of absence was granted to Mr. Field for three days.

The motion pending on the adjournment this morning being considered, it was carried.

Mr. Parsons, of Adams, moved to suspend the rules, to permit Mr. Peyton, of Hinds, to introduce a resolution;

Which was carried.

Mr. Peyton, of Hinds, offered the following:

*Resolved*, That the Auditor of this Convention be authorized to issue to the Convention Printer, an order for one thousand dollars, on account of printing done for the Convention.

Mr. McKee moved to lay the resolution on the table;

Which was lost.

Mr. Compton moved to refer to the Committee on Printing, with directions to approve the same, if the amount is due the printer.

Mr. Parsons, of Adams, moved to lay the motion on the table;

Which was carried.

And the resolution of Mr. Peyton was adopted.

Mr. Townsend moved to suspend the rules, to enable him to introduce a resolution;

Which was carried:

*Resolved*, That during the absence of the Chairman of the Committee on Printing, the next named person on the list be authorized and instructed to act as Chairman.

Mr. Compton moved to amend as follows:

"And if the said successor to the Chairman does not feel competent to discharge the duties incumbent upon him, he is hereby authorized to receive the services of any other delegate to assist him.

A motion to adjourn was lost.

Mr. Castello moved that Mr. Compton be added to the Committee;

Which was carried.

Mr. Compton moved to lay the amendment on the table;

Which was lost.

And the amendment, as amended, was lost.

And the resolution was adopted.

Convention adjourned until to-morrow morning, at 9 o'clock.

T. P. Sears,
*Secretary.*

## SIXTY-THIRD DAY.

Jackson, Miss., Thursday, March 19th, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Compton, Cunningham, Dalton, Dowd, Drane, Elliott James, Field, Gaither, Gibbs, Goss, Handy, Hauser, Hemmingway, Herbert, Howe, Hutto, Jacobs, Jamison, Johnson A., Jones, Kerr, Lawson, Leas, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Miles, Moore, Morgan, Myers, Mygatt, McCutchen, McKee, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Phillips, Powell, Quinn, Railsback, Richardson, Smith, Stewart, Stites, Stringer, Stiles, Townsend, Toy, Walker, Warren, Williams, and Woodmansee—72.

The following delegates were absent:

Messrs. Barry, Collins, Conley, Elliott John, Fawn, Fitzhugh, Gray, Holland, Johnson S., McKnight, Neilson, Nelms, Nesbitt, Newsom, Orr, Ozanne, Rainey, Stovall, Stricklin, Vaughan, Watson, and Weir—22.

Journal of yesterday read and approved.

Leaves of absence were granted to Mr. Ozanne for one day; to Mr. Gray for four days; to Mr. Miles, for ten days.

The committee on Finance, through their Chairman, Mr. Parsons, of Adams, submitted the following report:

*To the Honorable President and Members of the Convention:*

Your Finance committee to whom was referred the accounts of Deputy Sheriffs of the several counties in this State, for services in attending upon the recent election under and by virtue of General Orders No. 31, Headquarters Fourth Military District, beg leave to report that they have examined said accounts, and the reconstruction laws under which they were incurred, and are of the opinion that said accounts come clearly within the intent and meaning of section 7 of the supplementary bill, and should be paid by the Military Commander of the District out of any funds appropriated for that purpose.

Your committee would respectfully recommend that said accounts be returned to the Commander of this District, with a copy of this report.

Yours, respectfully,

F. Parsons,
*Chairman.*

J. B. Woodmansee,
Eli R. Smith,
Benj. Leas,
*Committee.*

Mr. Clarke moved that the rules be suspended, so as to take action on the report at once.

The rules were suspended and the report was adopted.

Mr. Herbert moved to go into the Committee of the Whole on the report of the committee on Franchise;

Which was carried.

And after certain proceedings had therein, the committee rose, and through their Chairman, Mr. Compton, of Marshall, reported progress.

The minority report on Franchise was considered upon its second reading.

Section 1:

Mr. Clarke moved to amend the section as follows:

Strike out the words "both general and special," in second line;

Which was carried.

And section 1 was adopted as amended, and reads as follows:

SECTION 1. All elections by the people shall be by ballot.

Mr. Clarke moved to strike out section 2 and insert section 2 of the minority report;

Which was carried.

Mr. Morgan moved to strike out the words "one year," and insert the words "six months," in sixth line, and strike out the word "three," and insert the word "one," in eighth line.

A motion to table was lost.

Mr. Compton moved to amend as follows:

Insert the word "white" after the word "all," in first line;

Which was laid on the table, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Clarke, Combash, Cunningham, Dowd, Drane, Elliott James, Field, Gibbs, Goss, Handy, Hemmingway, Herbert, Howe, Hutto, Jacobs, Johnson A., Jones, Kerr, Lack, Lawson, Leas, Leonard, Mayson, Mask, Musgrove, Montgomery, Miles, Moore, Morgan, Myers, Mygatt, McKee, Newsom, Parsons F., Parsons J. R., Peyton E. G., Peyton E. A., Powell, Quinn, Railsback, Richardson, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Warren, Woodmansee, and Yeoman—62.

NAYS—Messrs. Compton, Dalton, Gaither, Longmire, McCutchen, Phillips, Townsend, and Walker—8.

Mr. Townsend moved to divide the question upon the amendment of Mr. Morgan;

Which was carried.

And so much of the amendment as reads to strike out the word "one year," and insert the word "six months," in sixth line, was adopted, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Barry, Bonney, Brinson, Caldwell, Castello, Clarke, Cunningham, Dowd, Drane, Elliott James, Field, Handy, Jacobs, Johnson A., Lawson, Leas, Leonard, Mayson, Musgrove, Miles, Moore, Morgan, Myers, Mygatt, McKee, Newsom, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Powell, Railsback, Richardson, Smith, Stewart, Stites, Stringer, Toy, Warren, Woodmansee, and Yeoman—43.

NAYS—Messrs. Ballard, Beam, Chapman, Chappell, Combash, Compton, Dalton, Gaither, Gibbs, Goss, Hemmingway, Herbert, Howe, Hutto, Kerr, Lack, Longmire, Mask, Montgomery, McCutchen, Phillips, Quinn, Stovall, Stiles, Townsend, and Walker—26.

And so much of the motion as reads strike out the word "three," and insert the word "one," in the eighth line, was adopted.

Mr. Alderson moved to amend as follows:

Insert after the word "county," in the seventh line, the words "one month next preceding the day of election at," and strike out the word "in" in the seventh line.

Mr. Morgan offered the following as an amendment to the amendment:

Strike out all after the words "six months," in sixth line, to the word "and," in ninth line, and insert the "the words "and in the county one month next preceding the day of election at which said inhabitant offers to vote:

A motion to lay the amendment on the table was lost, and the amendment of Mr. Morgan was adopted.

Mr. Montgomery moved to amend as follows:

Strike out all after the word "to," in the 10th line, and insert the word "law;"

Which was laid on the table.

Mr. Beam moved to amend as follows:

Strike out from the word "registered," in the 9th and 10th lines, to the word "one," in the 13th line;

Which was laid on the table.

Previous question called, call sustained, and section 2 was adopted as amended.

Section 3:

Mr. Barry moved to strike out section 3 of the majority report, and insert section 3 of the minority report;

Which was carried.

Mr. Barry moved to amend as follows:

After the word "Congress," in the 5th and 6th lines of the proviso to the section, insert the words, "and the Legislature of this State shall concur therein."

Mr. Clarke moved to amend as follows:

In the 5th line of the oath, strike out the words "one year," and insert the words "six months;"

In the 6th line, strike outthe words "three months," and insert the words "one month;"

Which was carried.

Mr. Stovall moved to amend section 3, as follows::

Strike out all after the word "Congress," in the 16th and 17th lines, and insert the words "all men."

A motion to lay the amendment on the table was carried, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Barry, Bonney, Bridges, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Cunningham, Drane, Elliott James, Field, Gibbs, Goss, Handy, Herbert, Howe, Jacobs, Johnson A., Kerr, Lawson, Leas, Leonard, Mayson, Musgrove, Miles, Moore, Morgan, Myers, Mygatt, McKee, Newsom, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Powell, Quinn, Railsback, Stewart, Stites, Stringer, Toy, Williams, Woodmansee, and Yeoman—48.

Nays—Messrs. Ballard, Beam, Compton, Dalton, Dowd, Gaither, Hutto, Lack, Longmire, Montgomery, McCutchen, Richardson, Smith, Stovall, Stiles, Walker, and Warren—17.

Mr. Stiles moved to amend the oath in the section as follows:

"Will bear true faith and allegiance to the *de facto* government of the State of Mississippi and of the Federal Union, and the constituted authorities thereof; that I will not attempt to restrain or prevent any one from the full exercise of all the rights and privileges of a citizen of Mississippi; that I will not persecute, oppress, or attempt to injure any one, either in person, reputation or estate, on account of his political opinions or predilections; nor will I encourage, aid, or abet others in so doing; so help me God!"

Which was laid on the table.

And the amendment of Mr. Barry was adopted, and section 3 was adopted as amended, and reads as follows:

Sec. 3. The Legislature shall provide by law for the registration of all persons entitled to vote at any election, and all persons entitled to register shall take and subscribe to the following oath or affirmation: "I ————, do solemnly swear (or affirm), in the presence of Almighty God, that I am twenty-one years old; that I have resided in this State six months, and in ——— county one month; that I will faithfully support and obey the Constitution and laws of the United States and of the State of Mississppi, and will bear true faith and allegiance to the same; that I am not disfranchised in any of the provisions of the acts known as the Reconstruction Acts of the 39th and 40th Congress; and that I admit the political and civil equality of all men; so help me God!" *Provided*, That if Congress shall at any time remove the disabilities of any person disfranchised in the said Reconstruction Acts of the said 39th and 40th Congress, and the Legislature of this State shall concur therein, then so much of this oath, and so much only as refers to the said Reconstruction Acts, shall not be required of such person, so pardoned, to entitle him to be registered.

Section 2:

Mr. Barry moved to reconsider the vote adopting the section;

Which was carried.

Mr. Peyton, of Copiah, moved to amend the section as follows:

Insert after the word "except," in second line, the words "idiots or insane persons and."

Mr. Stovall moved to amend as follows:

*Provided*, They acknowledge the civil and political equality of all men;

Which was laid on the table;

And the amendment of Mr. Peyton was adopted, and the section was adopted as amended, and reads as follows:

SEC. 2. All male inhabitants of this State (except idiots or insane persons, and Indians not taxed), born in the United States, or naturalized, twenty-one years old and upward, who have resided in this State six months, and in the county one month next preceding the day of election, at which said inhabitant offers to vote, and who are duly registered according to the requirement of section three, of this article, and who are not disqualified by reason of any crime, are declared to be qualified electors.

Section 4:

Mr. Stovall moved to amend as follows:

*Provided*, They acknowledge the civil and political equality of all men.

Mr. Parsons, of Adams, moved to strike out section 4, of the majority report, and insert section 4, of minority report;

Which was carried.

Mr. Stovall moved to amend the section by adding the words "and who does not recognize the civil and political equality of all men;

Which was laid on the table.

And section 4 was adopted as amended, and reads as follows:

SEC. 4. No person shall be eligible to any office of profit or trust, or to any office in the militia of this State who is not a qualified elector.

Convention adjourned until 3 o'clock.

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

Upon calling the roll, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Dalton, Drane, Gaither, Gibbs, Goss, Handy, Hauser, Herbert, Howe, Hutto, Jacobs, Jones, Kerr, Lack, Lawson, Leas, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Miles, Moore, Morgan, Myers, Mygatt, Newsom, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Phillips, Railsback, Richardson, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Walker, Warren, Williams, Woodmansee, and Yeoman—61.

The following delegates were absent:

Messrs. Bridges, Brinson, Collins, Compton, Conley, Cunningham, Elliott James, Elliott John, Fawn, Field, Fitzhugh, Gray, Hemmingway, Holland, Jamison, Johnson S., Johnson A., McCutchen, McKee, McKnight, Neilson, Nelms, Nesbitt, Orr, Ozanne, Powell, Quinn, Rainey, Stricklin, Townsend, Vaughan, Watson, and Weir—33.

The Convention resumed the consideration of the report of committee on Franchise.

Mr. Clarke moved to substitute section 5 of the minority report for section 5 of the majority report;

Which was carried.

Mr. Alderson offered the following as an amendment:

Sec. —. No person shall ever hold office, civil or military, in this State, who has taken an oath to support the Constitution of the United States and afterwards voluntarily taken up arms against the same, or given aid and comfort to the enemies thereof, or who voted for or openly advocated secession and afterwards held office, civil or military, under the Rebel Government, or who, as a member of the Legislature, voted for the call of the Convention that passed the act of secession, or who, as a delegate to said Convention, voted for secession; *Provided*, The Legislature may, on joint ballot, approved by the Governor, remove the disabilities of any person excluded from office by this section, and recommend the same to the Congress of the United States for its approbation, in case they have not already removed said disabilities.

A motion to lay on the table was lost, by the following vote:

Yeas—Messrs. Alcorn, Barry, Caldwell, Castello, Chappell, Clarke, Compton, Drane, Handy, Hemmingway, Lawson, Leonard, Longmire, Mask, Montgomery, Morgan, Myers, McKee, Phillips, Railsback, Stewart, Stringer, Townsend, Toy, Walker, and Williams—26.

Nays—Messrs. Alderson, Beam, Bonney, Bridges, Chapman, Combash, Dalton, Dowd, Elliott James, Field, Gaither, Gibbs, Goss, Hauser, Herbert, Howe, Hutto, Jacobs, Jamison, Kerr, Lack, Leas, Mayson, Musgrove, Miles, Moore, Newsom, Parsons F., Peyton E. A., Powell, Quinn, Richardson, Smith, Stites, Stovall, Stiles, Warren, Woodmansee, and Yeoman—39.

Mr. Richardson moved to amend section 5 as follows:

Strike out all after the word "State," in the tenth line, and insert the following: "Who is disqualified by the fourteenth article of the constitutional amendment, or disfranchised by any or either of the reconstruction acts of the Thirty-ninth or Fortieth Congress."

Convention adjourned until to-morrow morning at 9 o'clock.

T. P. Sears,
*Secretary.*

## SIXTY-FOURTH DAY.

Jackson, Miss., Friday, March 20th, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Clarke, Combash, Compton, Cunningham, Dalton, Dowd, Drane, Elliott James, Field, Fitzhugh, Gaither, Gibbs, Goss, Handy, Hauser, Hemmingway, Herbert, Howe, Hutto, Jacobs, Jamison, Johnson A., Jones, Kerr, Lack, Lawson, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Moore, Morgan, Myers, Mygatt, McCutchen, McKee, Newsom, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Phillips, Powell, Railsback, Richardson, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Townsend, Toy, Walker, Warren, Williams, Woodmansee, and Yeoman- 74.

The following delegates were absent:

Messrs. Chappell, Collins, Conley, Elliott John, Fawn, Gray, Holland, Johnson S., McKnight, Neilson, Nelms, Nesbitt, Orr, Ozanne, Quinn, Rainey, Stricklin, Vaughan, Watson, and Weir—20.

Journal of yesterday read and approved.

Leaves of absence were granted as follows:

To Mr. Nesbitt until the 23d; Mr. Smith for ten days; Mr. Gray one day; Mr. Ozanne from day to day; Mr. A. Johnson for three days.

Sundry accounts of the the Deputy Sheriff of Calhoun county for services rendered in the late election held in this State, were received from Headquarters Fourth Military District, and on the recommendation of Mr. Parsons, chairman of Finance Committee, were returned to the General commanding.

He further recommended that any other accounts of like character, which may be recived, be returned in accordance with the action of the committee had on yesterday in reference to the subject.

Wnich was concurred in.

The committre an the Legislative Department submitted the following supplementary report:

Mr. President: The committee on the Legislative Department respectfully submits the following report:

Sec. 40. Until the first enumeration and a new apportionment shall be made as provided and directed in this Constitution, the apportionment of Senators and Representatives among the several counties and districts in the State, shall be as follows:

1st. The county of Warren, five Representatives.

2d. The counties of Hinds and Lowndes, each five Representatives.

3d. The counties of Adams, Carroll, DeSoto, Holmes, Madison, Marshall, Monroe, Noxubee, Washington, and Yazoo, each three Representatives.

4th. The counties of Attala, Chickasaw, Choctaw, Claiborne, Copiah, Jefferson, Lafayette, Lauderdale, Lee, Oktibbeha, Panola, Tippah, Wilkinson, Yalobusha, Tishomingo, and Rankin, each two Representatives.

5th. The counties of Amite, Bolivar, Calhoun, Clarke, Franklin, Issaquena, Itawamba, Jasper, Kemper, Lawrence, Leake, Pontotoc, Pike, Sunflower, Scott, Tallahatchie, Winston, Simpson, Coahoma, Tunica, Newton, Neshoba, Covington, Smith, Wayne, Davis, Greene, Jackson, Hancock, Marion, Harrison, and Perry, each one Representative.

SECTION 41: 1st. The counties of Hancock, Harrison, Jackson, Marion, Greene, and Perry, shall form the First District, and elect one Senator.

2d. The counties of Wilkinson and Amite, the Second District, and one Senator.

3d. The counties of Pike, Lawrence and Covington, the Third District, and one Senator.

4th. The county of Adams, the Fourth District, and one Senator.

5th. The counties of Franklin, and Jefferson the Fifth District, and one Senator.

6th. The counties of Claiborne and Copiah, the Sixth District, and one Senator.

7th. The counties of Warren and Issaquena, the Seventh District, and two Senators.

8th. Thecounties of Hinds, Rankin, and Simpson, the Eighth District, and two Senators.

9th. The counties of Davis, Jasper, Clarke, and Wayne, the Ninth District, and one Senator.

10th. The counties of Lauderdale and Kemper, the Tenth District, and one Senator.

11th. The counties of Newton, Smith, and Scott, the Eleventh District, and one Senator.

12th. The county of Madison, the Twelfth District, and one Senator.

13th. The county of Yazoo, the Thirteenth District, and one Senator.

14th. The counties of Washington and Sunflower, the Fourteenth District, and one Senator.

15th. The county of Holmes, the Fifteenth District, and one Senator.

16th. The counties of Attala, Leake, and Neshoba, the Sixteenth District, and one Senator.

17th. The county of Noxubee, the Seventeenth District, and one Senator.

18th. The counties of Lowndes and Oktibbeha, the Eighteenth District, and two Senators.

19th. The counties of Choctaw and Winston, the Nineteenth District, and one Senator.

20th. The county of Carroll, the Twentieth District, and one Senator.

21st. The counties of Calhoun and Yalobusha, the Twenty-first District, and one Senator.

22d. The counties of Chickasaw and Monroe, the Twenty-second District, and two Senators.

23d. The counties of Bolivar, Coahoma, and Tunica, the Twenty-third District, and one Senator.

24th. The counties of Panola and Tallahatchie, the Twenty-fourth District, and one Senator.

25th. The county of DeSoto, the Twenty-fifth District, and one Senator.

26th. The county of Marshall, the Twenty-sixth District, and one Senator.

27th. The counties of Lafayette and Pontotoc, the Twenty-seventh District, and one Senator.

28th. The counties of Lee and Itawamba, the Twenty-eighth District, and one Senator.

29th. The counties of Tippah and Tishomingo, the Twenty-ninth District, and one Senator.

W. H. Barry,
*Chairman.*

Report received, and under the rules lies over, and 100 copies ordered printed.

The following report was submitted by the committee on Contingent Expenses, and under a suspension of the rules, was adopted, the account allowed, and ordered to be paid.

*To the Hon. President and Members of the Convention:*

Your committee on Contingent Expenses, in the absence of the Chairman, beg leave to present the accompanying account, which they have examined, found correct, and recommend it to be paid.

W. H. Gibbs,
J. Railsback,
Jno. C. Brinson.

Jackson, Miss., March 20th, 1868.

*The State of Mississippi,*

*To Taswell Jones, for services as wood chopper,* Dr.

From February 28th to March 20th, inclusive (22 days), $55 00

I certify that the above account is correct,

Nelson G. Gill,
*Sergeant-at-Arms.*

*To the Honorable President and Gentlemen of the Convention:*

Your committee to whom was referred a resolution providing for the appointment of a permanent committee to remain at the Capitol during the adjournment of the Convention, would most respectfully recommend that said committee be appointed in accordance with the provisions of said resolution.

W. H. Gibbs,
*Chairman.*
H. W. Barry,
Thos. W. Stringer,
Henry W. Warren,
N. B. Bridges,
*Committee.*

Mr. Clarke moved to receive the report;

Which was carried.

Mr. Stringer moved that the report be adopted.

Mr. Compton offered the following:

*Provided*, That two Democrats and two Republicans shall be appointed by the President, and the four thus appointed shall select the fifth.

Which was laid on the table.

Mr. Field moved to amend as follows:

Strike out the word "five," and insert the words "all the members who profess a desire to reconstruct the State government on the basis of the Reconstruction Acts, be appointed the committee;

Which was laid on the table.

Mr. Compton moved to amend as follows:

*Provided*, That all the political parties in this State shall be represented on said committee.

Mr. Newsom moved the previous question;

Which was sustained.

And the amendment of Mr. Compton was lost, by the following vote:

Yeas—Messrs. Compton, Dalton, Gaither, Hemmingway, Lack, Longmire, Mayson, Mask, Montgomery, McCutchen, McKee, Parsons J. R., Phillips, Richardson, Stovall, Stiles, Townsend, and Walker—18.

Nays—Messrs. Alderson, Alcorn, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Clarke, Combash, Cunningham, Dowd, Drane, Elliott James, Field, Fitzhugh, Gibbs, Goss, Handy, Hauser, Herbert, Howe, Hutto, Jacobs, Jamison, Jones, Kerr, Lawson, Leas, Leonard, Musgrove, Moore, Morgan, Myers, Mygatt, Newsom, Peyton E. A., Peyton E G., Powell, Quinn, Railsback, Smith, Stewart, Stites, Stringer, Toy, Warren, Woodmansee, and Yeoman—50.

And the report of the committee was adopted, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Clarke, Combash, Cunningham, Dowd, Drane, Elliott James, Fitzhugh, Gibbs, Handy, Hauser, Jacobs, Jamison, Lawson, Leas, Leonard, Mayson, Moore, Morgan, Myers, Mygatt, McKee, Newsom, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Powell, Quinn, Railsback, Smith, Stewart, Stites, Stringer, Toy, Warren, Woodmansee, and Yeoman—46.

Nays—Messrs. Beam, Compton, Dalton, Field, Gaither, Goss, Hemmingway, Herbert, Howe, Hutto, Jones, Kerr, Lack, Longmire, Mask, Musgrove, Montgomery, McCutchen, Phillips, Richardson, Stovall, Stiles, Townsend, and Walker—24.

Mr. Cunningham moved to reconsider.

Mr. Gibbs moved to table the motion to reconsider;

Which was carried.

Mr. Townsend moved to suspend the rules, to enable him to introduce a resolution;

Which was lost.

The rules were suspended, to enable Mr. Cunningham, of the committee on Enrollment, to submit a report:

Mr. President: Your committee on Enrollment have examined an Ordinance passed March 13th, 1868, for the protection of electors, and would respectfully report that they find the same correctly enrolled.

R. H. Montgomery,
M. T. Newsom,
W. B. Cunningham,
*Committee.*

Mr. Castello moved to suspend the rules, to receive the following report from the Select Committee on Government Lands, and the location of the same, and other information thereto.

The rules were suspended, and the report submitted:

*To the Hon. President and Members Constitutional Convention:*

Your committee, appointed to ascertain the amount and location of Government lands in this State, together with information in regard to the entry and settlement of said lands, beg leave to report the amount of Government lands in this State, subject to entry, is ascertained to be 249,000 acres, situated in the following counties:

| | |
|---|---|
| Hancock | 12,000 acres. |
| Harrison | 12,000 acres. |
| Jackson | 12,000 acres. |
| Greene | 15,000 acres. |
| Perry | 15,000 acres. |
| Marion | 15,000 acres. |
| Davis | 12,000 acres. |
| Covington | 12,000 acres. |
| Jasper | 10,000 acres. |
| Smith | 10,000 acres. |
| Wayne | 8,000 acres. |
| Clarke | 8,000 acres. |
| Pike | 6,000 acres. |
| Lawrence | 5,000 acres. |
| Simpson | 12,000 acres. |
| Rankin | 3,000 acres. |
| Choctaw | 5,009 acres. |
| Attala | 8,000 acres. |
| Winston | 8,000 acres. |
| Kemper | 6,000 acres. |
| Neshoba | 8,000 acres. |
| Scott | 6,000 acres. |
| Newton | 8,000 acres. |
| Lauderdale | 4,000 acres. |
| Holmes | 4,000 acres. |
| Carroll | 4,000 acres. |
| Amite | 3,000 acres. |
| Tallahatchie | 2,000 acres. |
| Yalobusha | 2,000 acres. |

Your committee here attach a circular of Messrs. Jo. & Jeff. Bell, which will explain the course of procedure to gain possession of land:

### HOMESTEAD—ALL PERSONS CAN ENTER WITHOUT DISTINCTION OF COLOR OR RACE.

LAND AGENCY, JACKSON, MISSISSIPPI.

1. All the Land Offices in Mississippi are concentrated at Jackson.
2. No land can be entered except under the Homestead Law.
3. The applicant must file an affidavit that he is a citizen of the United States, the head of a family, or over twenty-one years of age; that his entry is made for actual settlement and cultivation, and not directly or indirectly for the use or benefit of any other person; and that he is prevented from personal attendance at the land office, by reason of "distance, bodily infirmity, or other good cause."
4. The affidavit must be sworn to before the Probate Clerk of the county of which the applicant is a resident, who must certify to it under his official seal, and also that the applicant is an actual resident of the county.
5. The affidavit should have the given name of the applicant in full, written in a plain, legible hand, and a revenue stamp attached.
6. No person can enter more than eighty acres; and if within six miles of the Mobile and Ohio, or Vicksburg and Meridian Railroads, only forty acres can be entered.
7. The only payment to be made, at the time of entry, is one dollar each, to the Register and Receiver; and any small excess that the tract may contain over eighty acres must be paid for at $1 25 per acre; and if within six miles of the railroad, the excess over forty acres must be paid for at $2 50 per acre.

We will furnish blanks and attend to entering land and forward receipt for $1 in each case, in addition to above fees of office.

JO. & JEFF. BELL,
*Land Agents, Jackson, Miss.*

We also attach a blank form of the application and affidavit which persons at a distance, who are unable to visit Jackson, can make use of by applying to the Clerk of the Probate Court. All letters containing money should be registered:

### HOMESTEAD.

APPLICATION NO. ....

LAND OFFICE, AT JACKSON, MISS.,
................, 186..

I, ..............., of ............ county, Mississippi, do hereby apply to enter, under the provisions of the Act of Congress, approved May 20, 1862, entitled "An Act to secure Home steads to actual settlers on the public domain," the .......... of section .......... in township No. .......... of range No. ........, containing ............ acres.

.....................

LAND OFFICE, AT JACKSON, MISS., ........, 186..

I, W. B. Taylor, Register of the Land Office, do hereby certify that the above application is for surveyed lands of the class which the applicant is legally entitled to enter under the Homestead Act of May 20, 1862, and that there is no prior valid adverse right to the same.

....................., *Register.*

[AFFIDAVIT.]

.................. COUNTY, MISS.,
................., 1868.

I, ...................., of .................. county, Miss., having filed my application, No. ........, for an entry under the provisions of the Act of Congress approved June 21, 1866, entitled "An Act for the disposal of the public lands for homestead actual settlement in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida," do solemnly swear, that I am the head of a family, over twenty-one years of age, and a citizen of the United States; that said application is made for my exclusive benefit, and that said entry is made for the purpose of actual settlement and cultivation, and not directly or indirectly for the use or benefit of any other person or persons whomsoever; and that I am prevented from personal attendance at the land office by reason of..............................

..........................................................................

Sworn to and subscribed before the undersigned, Clerk of the Probate Court of .......... county; and I certify that the affiant is a resident of said county.

Given under my hand and seal of office, this ........ day of ............, 1868.

....................., *Clerk.*

We also attach a circular in regard to delinquent tax lands:

LAND AGENCY, JACKSON, MISSISSIPPI.

A large amount of land is now being advertised and will shortly be sold by the Auditor of Public Accounts for the non-payment of taxes. Persons desiring our services in the purchase of any of these lands, can deposit their money and have their business promptly attended to for a small compensation.

JO. & JEFF. BELL.

Jackson, Miss., Feb. 12, 1868.

In conclusion, your committee would recommend Jo. & Jeff. Bell to the confidence of all who may need their services.

Respectfully submitted,

J. R. Parsons,
*Chairman.*
Carlos Chapman,
C. W. Beam,
W. Lawson,
J. Hauser,
*Committee.*

Mr. Clarke moved that the report be received;

Which was carried.

Mr. Hemmingway, of Carroll, offered the following:

Whereas, A full investigation is desired concerning a purchase of stationary made by Mr. D. McA. Willliams; therefore, be it

*Resolved,* That a committee of three be appointed to investigate the same, and report.

Mr. Stovall offered the following amendment:

*Provided,* Said committee acknowedge the political and civil equality of all men;

Which was laid on the table.

And the resolution of Mr. Hemmingway was adopted.

The Convention proceeded to consider the 5th section of the Franchise Report, as amended.

Mr. Richardson's amendment, pending on adjournment yesterday, was called up.

Mr. Stiles moved to table the same.

Mr. Woodmansee moved to permit Mr. Stiles to withdraw his motion to table.

Mr. Beam moved to adjourn;

Which was carried.

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Clarke, Combash, Compton, Dalton, Dowd, Drane, Elliott John, Elliott James, Fitzhugh, Gibbs, Goss, Handy, Hauser, Hemmingway, Herbert, Howe, Hutto, Jacobs, Jamison, Johnson A., Jones, Lack, Lawson, Leas, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Moore, Morgan, Myers, Mygatt, McCutchen, McKee, Newsom, Parsons F., Parsons J. R., Peyton E. A., Phillips, Quinn, Railsback, Richardson, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Townsend, Toy, Walker, Warren, Weir, Williams, Woodmansee, and Yeoman—70.

The following delegates were absent:

Messrs. Chappell, Collins, Conley, Cunningham, Fawn, Field, Gaither, Gray, Holland, Johnson S., Kerr, McKnight, Miles, Neilson, Nelms, Nesbitt, Orr, Ozanne, Peyton E. G., Powell, Rainey, Stricklin, Vaughan, and Watson—24.

Leaves of absence were granted as follows:

To Mr. Lack, until Tuesday; Mr. Dowd, for five days; Mr. Jacobs, for one day; Mr. Castello, for one day; Mr. Fitzhugh, for one day; Mr. Compton, for one day; Mr. Stricklin, for one day; Mr. Nelms, for one day; Mr. Drane, for one day.

Mr. Stiles was permitted to withdraw his motion to lay on the table the amendment of Mr. Richardson, and the amendment of Mr. Richardson was lost, by the following vote:

YEAS—Messrs. Compton, Dalton, Elliott John, Field, Gaither, Howe, Hutto, Longmire, Montgomery, McCutchen, McKee, Parsons J. R., Phillips, Richardson, Smith, Townsend, Walker, and Warren—18.

NAYS—Messrs. Alderson, Barry, Beam, Bridges, Brinson, Caldwell, Castello, Clarke, Combash, Elliott James, Fitzhugh, Gibbs, Goss, Handy, Hemmingway, Herbert, Jacobs, Kerr, Lawson, Leas, Leonard, Mayson, Mask, Musgrove, Moore, Morgan, Myers, Mygatt, Newsom, Parsons F., Peyton E. A., Peyton E. G., Powell, Quinn, Railsback, Stewart, Stites, Stringer, Stiles, Toy, Woodmansee, and Yeoman—43.

Mr. Compton moved to adjourn;

Which was lost.

Mr. Leas moved to amend section 5 as follows:

Add after the word "manner," in the nineteenth line, the following proviso:

"*Provided first*, Said disqualification shall not extend beyond the first day of January, 1873; *And provided further*, That the Legislature shall have power to relieve all political disabilities over whom they have jurisdiction, excepting always, those that voted for the ordinance of secession;

Which was laid on the table.

Mr. Castello moved to amend as follows:

No person shall ever be eligible to hold under this Constitution, either a Legislative, Executive, or Judicial office, who held any office under the so-called Confederate States, and no member of the Convention of 1861, who signed the ordinance of secession passed by that Convention, shall ever hold office in this State; *Provided*, That if Congress at any time remove the disabilities imposed upon any person by the Reconstruction Acts of the Thirty-ninth and Fortieth Congress, and the Legislature, in joint ballot, by a majority vote, shall remove said disabilities, then and in that case, they shall be entitled to hold office.

The previous question was called, which was not sustained; and section 5 lies over.

Mr. Compton moved to adjourn;

Which was lost.

Mr. McKee moved to suspend the rules, and proceed with the consideration of the 5th section.

Mr. Morgan moved to adjourn; which was lost.

Mr. Gibbs moved to lay on the table the motion to suspend the rules;

Which was lost.

Mr. Gibbs moved to adjourn;

Which was lost.

Mr. Gibbs moved to indefinitely postpone the motion to suspend the rules;

Which was carried.

Mr. Compton moved to adjourn;

Which was lost,

Section 6 was adopted, and reads as follows:

Sec. 6. No elector, except for crime, shall be liable to arrest in going to or returning from the place of voting, nor detained as witness or juror in any court, or by any military order, except in time of war or public danger.

Mr. Morgan moved to reconsider section 6;

Which was lost.

Mr. Townsend moved to adjourn;

Which was carried.

Convention adjourned until 9 o'clock to-morrow morning.

T. P. Sears,
*Secretary.*

## SIXTY-FIFTH DAY.

Jackson, Miss., Saturday, March 21st, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Compton, Cunningham, Dalton, Dowd, Drane, Elliott James, Elliott John, Fawn, Field, Fitzhugh, Gaither, Gibbs, Goss, Handy, Hauser, Hemmingway, Herbert, Howe, Hutto, Jamison, Johnson S., Jones, Kerr, Lawson, Leas, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Moore, Morgan, Myers, McCutchen, Nelms, Newsom, Parsons F., Parsons J. R., Peyton E. A.. Peyton E. G., Phillips, Powell, Quinn, Railsback, Richardson, Stewart, Stites, Stringer, Stiles, Townsend, Toy, Walker, Warren, Weir, Williams, Woodmansee, and Yeoman—74.

The following delegates were absent:

Messrs. Barry, Collins, Conley, Gray, Holland, Johnson A., Lack, Miles, Mygatt, McKee, McKnight, Neilson, Nesbitt, Orr, Ozanne, Rainey, Smith, Stricklin, Vaughan, and Watson—20.

Journal of yesterday read and approved.

Leaves of absence were granted, as follows:

To Mr. Hemmingway four days, from Monday next; Mr. McKee for one day; Mr. Mygatt for one day; to the Assistant Secretary for five days; to Mr. Cunningham for one week; Mr. Montgomery three days; Mr. Rainey five days.

Under the resolution offered by Mr. Hemmingway yesterday, the following gentlemen were appointed a committee: Messrs. Hemmingway, Railsback, and Hauser.

The committee on Finance made the following report:

*To the President and members of Constitutional Convention:*

Your Finance Committee beg leave to submit the following communication from the State Auditor, in answer to a resolution passed by the Convention on the sixteenth instant, directing your committee to communicate with the State Auditor, and ascertain whether he would or would not carry out the provisions of the tax ordinance.

Respectfully,
FRED. PARSONS,
*Chairman.*

OFFICE OF AUDITOR OF PUBLIC ACCOUNTS,
JACKSON, MISS., March 20th, 1868.

*Hon. Fred. Parsons, Chairman of the Finance Committee:*

SIR—In answer to a resolution of the Constitutional Convention, under date of sixteenth instant, I beg leave to state, that I will comply with the 19th section of the tax ordinance, and that the blanks have been ordered and will be transmitted to the collectors of the several counties as soon as received from the Printer.

Very respectfully,
THOMAS T. SWANN,
*Auditor.*

Report received.

A Select Committee made the following report:

MR. PRESIDENT: Your committee appointed to investigate the truth of the reports "from gentlemen of high official and social positions in different portions of the State, expressing serious apprehensions that combinations and conspiracies are being formed among the blacks to seize the lands and establish farms," upon which the proclamation of Governor Humphreys, of December 9, 1867, was founded, report as follows:

That they have taken every means in their power to inform themselves upon the subject they have been called upon to investigate.

They have called upon many of the delegates to this Convention from differents parts of the State for information on the subject, and have conversed with many of the citizens of the State not connected with this Convention, and they have been utterly unable to find any just cause for the issuing of said proclamation. Everywhere they find the colored man true and loyal to the country, and patient and submissive even when the victim of cruel and oppressive wrongs.

They would further state that they have corresponded with his Excellency Governor Humphreys on this subject, respectfully requesting him to furnish them with any information, touching the subject, in his possession, and in his reply, which accompanies this report, marked A, he respectfully states that said proclamation was issued at the urgent request of General Ord, Commander of the Fourth Military District, and all the information, etc., was received from and through him, except a few letters received from prominent citizens which were referred to him, General Ord, and are now presumed to be in his possession, and not under the control of the said Humphreys, Governor as aforesaid, and which he does not feel authorized to make public, unless the approbation of General Ord shall first be had, when he would cheerfully comply with his instructions.

The committee do not deem it necessary to pursue the investigation any further and will not, unless specially instructed by this Convention to do so.

This committee, while entertaining the most profound regard for His Excellency Governor Humphreys, and the late commander of this district, General Ord, beg leave, most respectfully, to disagree with them about the propriety of issuing said proclamation, and after careful investigation and calm deliberation on the subject, they are forced to the conclusion that the fears and "serious apprehensions that combinations and conspiracies are being formed among the blacks to seize the lands and establish farms," had no foundation in truth, and that the colored man has manifested no disposition to disturb any one in his lawful pursuits, and that Governor Humphreys was greatly misled by the reports as to the truth of the facts on which his proclamation was founded.

Respectfully,

A. ALDERSON,

*Chairman.*

### [ SECOND. ]

MR. PRESIDENT: Your committee, as directed by this Convention, have made further investigations as to the truth of the facts set forth in said proclamation of December 9th, 1867, and are more than ever confirmed in their belief that the alleged causes for issuing said proclamation were wholly without excuse or justification.

In their efforts to arrive at the truth of the matter under investigation, they made diligent and repeated inquiry of the different delegates to this Convention, coming from all parts of the State, and at no place in the State, before, at the time, or since, the issuing of said proclamation, were there any signs of insubordination, riot, or outbreak among the colored people; but, on the contrary, a peaceable and orderly disposition, worthy of the highest admiration, has marked their conduct, even under the most trying circumstances, where wrongs and cruel treatment have been inflicted upon them.

That they might leave nothing undone to discover where the truth lay they wrote to Major General Ord, late commander of this district, to learn upon what grounds he acted in conferring with Governor Humphreys on the subject matter of said proclamation, and are informed by letter from him that he had "turned over, with the command of the Fourth Military District, all the communications referred to," which letter is marked B, and made a part of this report. Your committee then addressed a letter to Major General Gillem, the present commander of this district, to know if he would hand over to them the communications referred to, and have received a letter from him declining, for reasons therein stated, to communicate the desired information, which letter is marked C, and made a part of this report.

Your committee having pursued the investigation to the fullest extent they can go, are compelled to close their labors, and ask that this report be received, and that they be discharged from further investigation into this matter.

In conclusion, however, they would beg leave again to state that the causes for issuing said proclamation were so utterly without foundation, that they are at a loss to find any reasonable excuse for so doing, and while they would not impeach the motive, they must condemn the act as wholly unjustifiable—causing needless alarm to one class of the citizens of this State, and producing an unjust suspicion and prejudice against the other.

A. Alderson, *Chairman.*
H. Mayson,
W. H. Gibbs,
H. P. Jacobs.
J. Hauser,
J. A. Moore, *Committee.*

Report received and committee discharged.

## LETTERS REFERRED TO IN ABOVE REPORT.

### [A.]

Executive Department, State of Mississippi,
Jackson, January 18, 1868.

Sir: Your note of the 17th instant, informing me of the appointment of a committee by the Convention, to investigate the truth of the rumor of combinations of evil disposed persons in this State to seize lands, etc., coming from persons of high social and official positions, upon which my (your) Proclamation of December 9, 1867, was founded, and respectfully requesting me to furnish (us) the committee with whatever information I (you) may be in possession of touching the subject of said Proclamation, and the names of the persons supplying me (you) with the information above referred to, was handed to me late yesterday evening by the Assistant Sergeant-at-Arms, of the Convention.

I presume you do not expect me to admit that the Convention now in session in this city, by virtue of the "Military Bills" passed by Congress, has any constitutional right to require me to account to it for my administration of the civil government of the State of Mississippi. I, however, acknowledge the constitutional right of all and any portion of the citizens of the State, in a peaceable manner, to assemble together for their common good, and apply to those vested with the powers of government for redress of grievances, or other proper purposes, by petition, address, or remonstrance, and the correlative duty of all civil officers to furnish them all the information in their possession that pertains to their welfare and happiness, when respectfully requested so to do.

I have no secrets I desire to withhold from any class of our people, white or black. My Proclamation of the 9th of December, 1867, was issued at the urgent request of Gen. Ord, Commander of 4th Military District, and all the information I have on the subject you desire to investigate, was received from and through him, except a few letters received from prominent citizens, which I referred to him as soon as received, and which I presume are now in his possession.

For obvious reasons then, I must refer the committee to him, and if in his judgment a revelation of the sources of information will not be an act of bad faith to the informers, white and black, as prejudicial to the public service, and will authorize a publication of all the communications, public and private, I will cheerfully comply with his instructions on that subject.

Very respectfully,
(Signed), Benj. G. Humphreys,
*Governor of Mississippi.*

To A. Alderson, *Chairman of Committee.*

[ B. ]

Holly Springs, Miss., Feb. 14, 1868.

*To A. Alderson, Esq., Chairman of Committee,*
*Mississsppi Constitutional Convention, Jackson, Miss.:*

Sir—I am in receipt of a letter from Gen. A. Gillem's Headquarters, transmitting one from you, asking "all the information I possess touching the facts that occasioned the issuing of that Proclamation," (referring to a recent Proclamation of the Governor of Mississippi, upon the subject of illegal combinations), "as far as consistent with my obligations to those from whom the communications were received."

As I have turned over with the command of the 4th Military District, all the communications referred to, not even retaining copies, I have no means of furnishing you with the desired information.

I am sir, respectfully, your ob't servant,
E. O. C. Ord,
*Brig. and Bvt. Maj. Gen.*

[C.]

Headquarters Fourth Military District,
Mississippi and Arkansas,
Vicksburg, Miss., March 17, 1868.

*Hon A. Alderson, Chairman Committee Constitutional Convention of the State of Mississippi:*

Sir—I am directed by the General Commanding to acknowledge the receipt of your communication of the 24th ultimo, asking to be furnished with any information in his possession upon which the proclamation of His Excellency, the Governor, referred to by you was based, and in reply thereto, to inform you that the General Commanding, upon due consideration of the character of the reports made to his predecessor, General Ord, upon which the action was taken, finds that they partake of a confidential nature; also, with regard to the considerable evils and little good that would seem to result from their publication, he decides that it would be incompatible with his duty to comply with your request. At the same time, the Commanding General desires to inform you that he never shared in the belief that insurrection was meditated by any class of the inhabitants of this State.

I am sir, very respectfully,
Your obedient servant,
(Signed.) John Tyler,
1*st Lieut.* 43*d Inf. Brevet Major U. S. A., A. A. A. G.*

Mr. Hauser moved to suspend the rules, to enable him to offer a resolution; which was lost.

Mr. Morgan moved that the report of the special committee in reference to the Governor's proclamation, relative to insurrectionary organizations, be refered to a special committee of three.

Mr. Chappell moved the previous question, which was sustained;

And the motion of Mr. Morgan was lost.

Mr. Castello moved to suspend the rules to take up ordinance on printing;

Which was lost.

The special order being the report of the committee on Franchise, was taken up.

Section 6:

The vote adopting the section was reconsidered.

Mr. Compton moved to adjourn; which was lost.

Mr Gibbs moved to indefinitely postpone the consideration of section 6;

Which was carried.

Mr. Castello moved to suspend the rules to permit the introduction of a resolution;

Which was lost.

Mr. Combash moved to adjourn until 3 o'clock P. M.;

Which was carried.

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Beam, Bonney, Brinson, Clarke, Combash, Compton, Dalton, Elliott John, Gaither, Goss, Hemmingway, Howe, Hutto, Johnson S., Jones, Kerr, Lawson, Longmire, Mask, Musgrove, Montgomery, Myers, McKnight, Nelms, Newsom, Parsons J. R., Peyton E. G., Phillips, Railsback, Richardson, Stewart, Stovall, Stiles, Walker, Warren, Weir, Williams, and Yeoman—42.

The following delegates were absent:

Messrs. Barry, Bridges, Caldwell, Castello, Chapman, Chappell, Collins, Conley, Cunningham, Dowd, Drane, Elliott James, Fawn, Field, Fitzhugh, Gibbs, Gray, Handy, Hauser, Herbert, Holland, Jacobs, Jamison, Johnson A., Lack, Leas, Leonard, Mayson, Miles, Moore, Morgan, Mygatt, McCutchen, McKee, Neilson, Nesbitt, Orr, Ozanne, Parsons F., Peyton E. A., Powell, Quinn, Rainey, Smith, Stites, Stricklin, Stringer, Townsend, Toy, Vaughan, Wat-son, and Woodmansee—52.

Mr. Compton moved to adjourn;

Which was lost.

Mr. Musgrove moved that the Convention take a recess for ten minutes;

Which was lost.

On motion of Mr. Gibbs, the Convention adjourned until Monday morning at 9 o'clock.

T. P. SEARS,
*Secretary.*

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## SIXTY-SIXTH DAY.

JACKSON, MISS., Monday, March 23d, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Beam, Bonney, Bridges, Brinson, Castello, Chapman, Chappell, Clarke, Combash, Compton, Caldwell, Dalton, Elliott John, Elliott James, Field, Fitzhugh, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Hemmingway, Herbert, Holland, Howe, Hutto, Jacobs, Jamison, Johnson, A., Johnson S., Jones, Kerr, Lawson, Leas, Leonard, Longmire, Mayson, Mask, Musgrove, Moore, Myers, Morgan, McCutchen, McKee, McKnight, Nelms, Nesbitt, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton, E. A., Peyton E. G., Phillips, Powell, Quinn, Railsback, Richardson, Stricklin, Stewart, Stites, Stovall, Stiles, Stringer, Townsend, Toy, Vaughan, Walker, Warren, Weir, Williams, Woodmansee, and Yeoman—78.

The following delegates were absent:

Messrs. Barry, Collins, Conley, Cunningham, Dowd, Drane, Fawn, Hemmingway, Lack, Montgomery, Miles, Mygatt, Neilson, Rainey, Smith, and Watson—16.

The Journal of Saturday was read and approved.

Leave of absence was granted Mr. Drane for one day.

Mr. Field submitted the following report:

*To the Honorable President and Members of the Constitutional Convention of Mississippi:*

The committee, to whom was referred the preparation of an ordinance for the relief of the people of the State, having had the subject under consideration, respectfully report the following preamble and ordinance, as being the best they can suggest to accomplish the end proposed.

The Government of the United States cannot lawfully exercise civil authority in any State over matters that of right belong to, and which have been reserved to it, or its people, by the Constitution. But as the general welfare and liberty of the people, are the ends for which both were instituted, the Government of the United States is bound with a view to these ends, to guarantee governments, republican in form, to every State, to use the military power in order to effect them, and comply with the obligations the Constitution imposese, of establishing justice, and insuring tranquility, wherever they have been disturbed within its jurisdiction, to give the guarantee aforesaid, when its civil power cannot be interposed constitutionally for the purpose.

The Government of the United States occupies and governs the State of Mississippi, by its military power as necessary to stay injustice and violence growing out of the late rebellion, and will continue so to do, until lawful civil government, republican in form, is established by the joint power of Congress and the loyal people.

The provisional government at present existing in the State, is administered by those whose views of the Constitution forbid the relief sought, so far as it is claimed on the justice or necessity of slave emancipation, and as it was on the ground of such presumed necessity, the government and all concerned, were induced to destroy the consideration upon which contracts to pay money for such property was based, and of course it would be useless to seek it from that source.

The great losses incident to the late rebellion, deprived the people of the means of paying their debts and liabilities, the chief of which arose from the act of the Government of the United States proclaiming liberty to the slave population, which it deemed necessary to save the Union from disruption, by weakening or destroying the power of its enemies.

The people of the State, also, in convention assembled, representing debtors and creditors, and all others in interest, both loyal and disloyal, have approved, sanctioned, and legitimated the destruction of property in slaves, thus destroying equivalent value in the things for which contracts were made and liabilities incurred, thereby acknowledging a National, State, and social necessity, paramount to all law, which not only justifies the destruction of all contracts and indebtedness for such property, but demands it.

Whether Congress, through the Provisional Government, could or would afford relief in the premises, has not been inquired into, and as the State is not provided with lawful civil government to afford, nor the military authorized to supply it; therefore,

*Be it ordained by the people of the State of Mississippi, in Constitutional Convention assembled*, That all indebtedness for slave property, be and is hereby declared void, and all the officers elected or appointed under the Government established by this Convention, will govern themselves accordingly; and

WHEREAS, The poor of this State should be afforded the same relief from debt and embarrassment as their more wealthy neighbors; therefore,

*Be it ordained*, That any person who has resided in this State three months, of legal age, who will make oath or affirmation, before the Probate Judge of the county in which he or she may live, that they are not worth more than the law allows as property exempt from execution, and whose oath shall be confirmed as being true, by two good and lawful witnesses, shall receive a certificate of the same from said Judge, which shall be a protection and defense against the claim or claims of all persons existing prior to date of said certificate, and the Judge aforesaid shall register said persons named, swearing as aforesaid, in a book kept for the purpose, and charge the sum of one dollar for the same.

WHEREAS, The Government of the United States, with a view to preserve the Union, which is the life of the Nation, which it was the chief design of its institution to secure, did deem it necessary and proper to destroy property in slaves; and

*Whereas*, The people residing within the limits of what is called the State of Mississippi (whether in the Union or not), did by their representatives, assembled in Jackson (whether called by proper authority or not), ratify and confirm said act of emancipation, done and performed by the Government of the United States; and

*Whereas*, The people in their individual capacity, have concurred therein by word and act, thus signifying their entire concurrence in the acts and doings of what purported to be the lawfully exercised will of the State and Nation, whether they believe so or not; thereby ratifying so much of their authority, at least, as the abolition of slavery was concerned; and

*Whereas*, By such destruction of property in slaves, all other description of property has so deteriorated in value, particularly land, that one dollar will buy as much or more, upon an average, as four would previously; whereby those who become indebted to others for property previous to the surrender of the Confederate armies, the time when the property above named became valueless; and

*Whereas*, Justice demands that the people of Mississippi, in Constitutional Convention assembled, together with the people of the United States as represented in Congress, should unite to equalize the losses and injuries between debtor and creditor, rendered unjust if the letter rather than the spirit of the law should be enforced, whereby the creditor will get four times as much property for the notes or other promises as that sold; and

*Whereas*, With a view to repair the evils and equalize the the burthen likely to fall upon one portion of the community, at the expense of another, and for which one is no more responsible than the other, but the result of a common calamity resulting from war, and which it is the duty of both governments to equally distribute:

*Therefore, be it ordained by the people of Mississippi, in Convention assembled*, That all debts and liabilities of any and every sort, incurred by any person resident in this State, prior to the first day of May, 1865, be considered as fully discharged by the payment of one-fourth the amount thereon, to be paid in two equal annual installments, with interest thereon, or by the surrender of the property purchased upon paying legal interest on its value for the time it was held and used by the purchaser.

Mr. Gibbs moved that the report be received, 200 copies printed, and made the special order for Saturday next.

Mr. Musgrove moved to amend by making it the special order for Wednesday next.

Mr. Gibbs moved to lay the amendment of Mr. Musgrove on the table;

Which was lost.

Mr. Castello moved the previous question;

Which was sustained.

And the amendment of Mr. Musgrove was lost;

And the motion of Mr. Gibbs was carried.

The following report was submitted by Mr. Compton:

Mr. President: The undersigned, one of the committee on

Relief, has had under consideration a resolution asking that a committee of three be appointed to draft a memorial to the General Commanding this District, on the subject of the sale of lands, etc., and begs leave to report that in his opinion the resolution should be adopted.

Very respectfully,

W. M. Compton,
*Sub-Committee.*

Report received.

Mr. Weir offered the following as a minority report:

Whereas, A Convention assembled in the city of Jackson, State of Mississippi, claiming to be delegates of the people of the sovereign State, and, whether legally so or not, did organize and exercise the authority on behalf of the people of the State of Mississippi, declaring themselves and the people, by authority of an ordinance which they adopted on the 9th day of January, A. D. 1861, absolved from all allegiance which they had or ever acknowledged to the government of the United States of America, under and by authority of a compact entered into, and defined in and by virtue of the Constitution of the United States, and did then and there in the hall of the House of Representatives declare themselves and the people of the State of Mississippi forever absolved from all allegiance to the said United States, and declared to the world that they were a free and independent State, and did furthermore drag down the national flag and trample it in the dust; and

*Whereas,* The aforesaid Convention did alter, change, and amend the Constitution of the State of Mississippi so as to strike out all portions thereof, acknowledging the obligations of the people of the State to the Union of the State, and requiring the State officers to take a solemn oath that they would support the Constitution of the United States, none of which ordinances or amendments were submitted to the people for their ratification or rejection; and

*Whereas,* They did furthermore elect, appoint, and commission certain of their so-called delegates to represent themselves and the people of the State in a so-called Convention of delegates appointed by them, and the Convention of other seceding States, to be held in Montgomery, in the State of Alabama, which so-called Convention did meet at the time appointed, and did then and there adopt a Constitution and frame a so-called government by the name and style of the Confederate States of America, with the avowed treasonable design of dismembering and destroying the United States government; and

*Whereas,* To carry out their treasonable purposes, they did so alter and change the Constitution of the State of Mississippi as to require all officers, civil and military, before entering upon the discharge of their duties, to take and subscribe a solemn oath or affirmation that they would support and maintain the so-altered Constitution of the State of Mississippi, and also the so-called Constitution of the so-called Confederate

States of America, it being a government foreign, antagonistic to, and at enmity, and waging war with and against the United States, and also of the Constitution of the State of Mississippi adopted in conformity with vows of allegiance to the United States; and

*Whereas*, These officers, both civil and military, by taking voluntarily said oaths of office, did, by said voluntary act, constitute themselves aliens to the United States Government, and citizens and officers of a government foreign to and waging war against the United States, and therefore their acts in enacting and executing their laws being enacted and executed by foreigners, cannot have any legal or binding influence or validity with, or over the loyal citizens of the State of Mississippi; therefore,

*Be it ordained by the loyal citizens of ths State of Mississippi, in Convention assembled*, That all laws enacted, and all acts done by said officers sworn, qualified, and empowered by virtue of the Constitution of said State of Mississippi, amended as aforesaid, and of the so-called Confederate States of America, be, and the same are hereby declared to be null and void, except the solemnization of the bonds of matrimony and the acknowledgement and recording of deeds conveying real estate for and in consideration *bona fide* contracts fairly entered into, for a fair and valuable compensation, made in good faith, and the acts and obligations of administrators and guardians done in accordance with the laws of the State prior to the passage of said ordinance of secession, in the management of the estates of decedents, and the property of minors, and that all judgments, decrees, and decisions of any and every Judge of any court of record, and all and every judgment of any Mayor of any city, town, or corporation, or Justice of the Peace, and each and every execution, order, or *fi. fa.* of whatever nature, rendered by or issued under and by said judicial officers, acting under and by authority of the aforesaid Constitutions and laws of said so-called government, are hereby declared to be null and void; also, all acts of each and every Marshal, Sheriff, Constable, or their deputies, and all findings and verdicts of any grand or petit juries, acting under oaths of allegiance to said so-called Confederate government from the first day of March of A. D. 1861, to the 20th day of May, A. D. 1865.

*And be it further ordained*, That all contracts entered into, and liability incurred in any manner or form whatever from the aforesaid first day of March A. D. 1861, to the aforesaid twentieth day of May, A. D. 1865, are held to have been done by foreigners and aliens in aid of the rebellion which existed during said period of time, and are hereby declared to be null and void, and of no binding force or effect, and if any judicial officers shall issue any writ or summons upon the authority of any bill, bond, note of hand or writing obligatory, claims or accounts executed and entered into during said period of time, he shall be deemed guilty of misdemeanor in office, and upon conviction thereof, removed from office, and thereby rendered incapable of holding any office of trust or profit in this State.

*And be it further ordained*, That the limitation laws of this State as enacted and in force on and before the passage of the Ordinance of Secession, have been, and shall continue to be in full force in every particular the same as if no such ordinance had ever been passed, or rebellion had never existed, and that this ordinance shall be made an article of the Constitution of the State of Mississippi, and take effect and be in force from and after the ratification thereof by the people of the State, as provided for by the Reconstruction Acts of Congress of the United States of America.

Very respectfully,
JAMES WEIR,
*Member of Committee.*

Mr. Chappell moved to receive the report, print two hundred copies, and make the same the special order for Saturday;

Which was carried.

Mr. Moore, of Lauderdale, offered the following:

*Resolved*, That this body is composed of Generals, Majors, Captains, Lawyers, Ministers, Farmers, Planters, Painters, and Blacksmiths, let us go to work, frame the Constitution for Mississippi, and go home to our Constituents.

Which was adopted.

Mr. Warren offered the following:

*Resolved*, That hereafter speeches of members of this Convention be limited to five minutes each, and any rule to the contrary is hereby repealed.

Mr. Stites moved to amend by inserting the word "ten" instead of the word "five."

Mr. Parsons, of Adams, moved to lay the resolution and amendment on the table;

Which was carried.

Mr. Phillips offered the following:

WHEREAS, In view of the impoverished condition of the people of this State, their financial embarrassment, and the general bankruptcy that must follow the collection of the levee tax in the river counties; therefore, be it

*Resolved*, That the Convention request the Commanding General to suspend the collection of all levee taxes until such time as the Legislature, in its wisdom, may see fit to order and enforce its collection.

*Be it further resolved*, That a copy of this preamble and resolution, signed by the President, and countersigned by the Secretary, be immediately transmitted to the General commanding.

Which was adopted.

Mr. Clarke, of Yazoo, offered the following:

WHEREAS, Mississippi, lately subject to the destructive violence of rebellion, in reorganizing under the auspices of Congress, seeks to rebuild her institutions, upon the foundation of universal intelligence among the people, and in these efforts looks to the General Government, and especially to the National Department of Education for co-operation; therefore, be it

*Resolved, by the people of Mississippi, in Convention assembled*, That we earnestly pray Congress to legislate in aid of said Department of Education, so as to promote its efficiency.

Which was adopted.

The Convention proceeded to consider the ordinance supplementary to the ordinance on printing;

Section 1, being put upon its adoption, was lost.

Section 2 was adopted, and reads as follows:

SECTION 2. *Be it further ordained*, That the official Journal, Ordinances and Constitution submitted by the Convention shall be twenty-eight ems wide and fifty-one ems in length, and printed in single column; the proceedings to be set in small pica type, leaded, and the debates and ordinances in long primer type, solid.

Section 3:

Mr. Clarke moved to amend as follows:

Strike out the words "and Secretary," and insert after the word "Convention," in the ninth line, the words, " and the Chairman of Committee on Ratification of Constitution."

Mr. Compton moved to recommit the report.

Mr. Gibbs moved to lay the motion on the table.

Which was lost.

Previous question called, call sustained; and the motion of Mr. Compton was lost.

Mr. Morgan moved to indefinitely postpone.

Mr. Fitzhugh moved to lay on the table;

Which was carried.

Mr. Orr moved to table the amendment of Mr. Clarke;

Which was lost.

And under the operation of the previous question, the amendment of Mr. Clarke was adopted.

And section 3 was adopted as amended, and reads as follows:

SEC. 3. *Be it further ordained*, That after the adjournment of this Convention, and the Constitution shall have been submitted to the electors of the State for ratification or rejection, all accounts for printing shall be certified to by the President of this Convention, and the chairman of the committee on Ratification of Constitution as being correct, before warrants shall issue in payment thereof.

Mr. Castello moved to adjourn;

Which was carried.

And the Convention adjourned until 3 o'clock P. M.

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

Upon the roll being called the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Clarke, Combash, Compton, Elliott John, Elliott James, Field, Fitzhugh, Gaither, Gibbs, Goss, Gray, Hauser, Herbert, Holland, Howe, Hutto, Jacobs, Johnson S., Johnson A., Jones, Kerr, Lawson, Leas, Leonard, Longmire, Mayson, Mask, Musgrove, Moore, Morgan, Myers, McCutchen, McKee, McKnight, Nelms, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Phillips, Powell, Quinn, Railsback, Rainey, Stewart, Stites, Stringer, Townsend, Toy, Walker, Warren, Weir, Williams, Woodmansee and Yeoman—70.

The following delegates were absent:

Messrs. Barry, Chappell, Collins, Conley, Cunningham, Dalton, Dowd, Drane, Fawn, Handy, Hemmingway, Jamison, Lack, Montgomery, Miles, Mygatt, Neilson, Nesbitt, Smith, Stovall, Stricklin, Stiles, Vaughan, and Watson—24.

Leaves of absence were granted to Mr. Jones for ten days; to Mr. Fawn, for five days.

The supplemental report of the committee on Legislative Department was called up, and passed its first reading.

The supplemental reports of the committee on Judiciary were taken up, and the reports of Messrs. Parsons, of Adams, and Gibbs, of Wilkinson, passed their first reading.

Mr. Fitzhugh moved to suspend the rules to take up the report of the committee on the Legislative Department;

Which was laid on the table.

The report of the committee on Franchise was taken up, and the amendment to the amendment offered by Mr. Castello, March 20th, being under consideration;

Mr. Goss offered the following:

WHEREAS, It appears that the reports of the Committee on Franchise are not approved by a majority of the delegates to this Convention; therefore, be it

*Resolved*, That a special committee of five be appointed by the President with instructions to prepare and report a clause for the Constitution of this State, the qualifications for office in which shall be in strict conformity to the requirements of the proposed amendment to the Constitution of the United States, known as the 14th amendment, and in accordance with the various Acts of Congress known as the Reconstruction measures.

Mr. Clarke moved to lay the resolution on the table;

Which was lost, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Bridges, Brinson, Caldwell, Castello, Clarke, Field, Gibbs, Handy, Holland, Jacobs, Johnson A., Leonard, Moore, Morgan, Myers, McKee, McKnight, Newsom, Peyton E. A., Peyton E. G., Powell, Stewart, Stites, Stringer, Toy, Warren, Weir, Williams, Woodmanssee—31.

NAYS—Messrs. Ballard, Beam, Compton, Dalton, Elliott John, Elliott James, Gaither, Goss, Gray, Hauser, Herbert, Howe, Hutto, Johnson S., Kerr, Lawson, Leas, Mayson, Mask, Musgrove, McCutchen, Nelms, Nesbitt, Orr, Ozanne, Parsons F., Parsons J. R., Phillips, Railsback, Richardson, Stiles, Townsend, and Yeoman—33.

Mr. Parsons, of Adams, moved to amend as follows:

Strike out all that part of the resolution that refers to the elective franchise.

A motion to table was lost.

Mr. McKee moved to amend as follows:

That no person who signed the Ordinance of Secession of 1861 be allowed to hold office;

Which was carried.

And the amendment of Mr. Parsons, as amended, was adopted, by the following:

Yeas—Messrs. Alderson, Alcorn, Bridges, Brinson, Castello, Chapman, Clarke, Compton, Fitzhugh, Gibbs, Handy, Hauser, Holland, Jacobs, Johnson A., Lawson, Leas, Leonard, Mayson, Moore, Morgan, Myers, McKee, McKnight, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Quinn, Railsback, Stewart, Stites, Stringer, Toy, Warren, Weir, Williams, and Woodmansee—41.

Nays—Messrs. Ballard, Beam, Combash, Dalton, Elliott Jas., Gaither, Goss, Gray, Howe, Hutto, Johnson S., Kerr, Longmire, Mask, Musgrove, Nelms, Orr, Phillips, Richardson, Stiles, Townsend, and Walker—22.

Mr. Woodmansee moved to adjourn;

Which was lost.

Mr. Morgan moved to amend the section as follows:

Insert the word "seven," instead of the word "five."

Mr. Fitzhugh moved to table;

Which was lost.

The previous question moved and sustained;

And the amendment of Mr. Morgan was adopted;

And the resolution, as amended, was lost, by the following vote:

Yeas—Messrs. Ballard, Compton, Dalton, Elliott James, Field, Gaither, Goss, Gray, Hauser, Herbert, Howe, Hutto, Johnson S., Jones, Kerr, Leas, Longmire, Mask, Nelms, Orr, Parsons F., Parsons J. R., Phillips, Railsback, Richardson, Stovall, Stricklin, Stiles, Townsend, Walker, Warren, Yeoman—32.

Nays—Messrs. Alderson, Alcorn, Bridges, Beam, Bonney, Brinson, Caldwell, Castello, Chapman, Clarke, Combash, Fitzhugh, Gibbs, Handy, Holland, Jacobs, Johnson A., Lawson, Leonard, Mayson, Musgrove, Moore, Morgan, Myers, McKee, McKnight, Newsom, Ozanne, Peyton E. A., Peyton E. G., Powell, Stewart, Stites, Stringer, Toy, Weir, Williams, and Woodmansee—38.

The Convention adjourned until to-morrow morning at 9 o'clock.

T. P. Sears,
*Secretary.*

## SIXTY-SEVENTH DAY.

JACKSON, MISS., Tuesday, March 24th, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Barry, Ballard, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Compton, Dalton, Drane, Elliott John, Elliott James, Field, Fitzhugh, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Herbert, Holland, Howe, Hutto, Jacobs, Johnson S., Johnson A., Kerr, Lawson, Leas, Leonard, Mayson, Mask, Musgrove, Moore, Morgan, Myers, Mygatt, McCutchen, McKee, McKnight, Nelms, Nesbitt, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Phillips, Powell, Quinn, Railsback, Richardson, Stewart, Stites, Stovall, Stricklin, Stringer, Stiles, Townsend, Toy, Vaughan, Walker, Warren, Weir, Williams, Woodmansee, and Yeoman—78.

The following delegates were absent:

Messrs. Collins, Conley, Cunningham, Dowd, Fawn, Hemmingway, Jamison, Jones, Lack, Longmire, Montgomery, Miles, Neilson, Rainey, Smith, Watson—16.

Journal of yesterday read and approved.

Leave of absence were granted to Mr. Dalton for ten days; to Mr. Longmire for ten days; and to Mr. Rainey from day to day.

Mr. Orr moved to suspend the rules to permit him to make a motion;

Which was carried.

Mr. Orr then moved to amend section 3 of the rules so that the section shall read, "as soon as the roll is called and a quorum found to be present, the Journal shall be read;"

Which was carried.

Mr. Stricklin, of Tippah, presented the following:

MR. PRESIDENT: I resign my seat as a member of this Convention, and tender it to some abler man. I do this first, because I believe the acts of Congress under which we are assembled, are unconstitutional, unjust, tyrannical, and oppressive. Next, because whether the acts of Congress are unconstitutional or not, the members of this Convention are transcending the limit of whatever power they may have derived by virtue of their constitutionality. Again, because this body is inflicting upon the people by taxations, a burden they are illy able to bear, and to which I do not desire to offer further contribution. Lastly, because I am totally disgusted with its nonsense.

Respectfully,
W. T. STRICKLIN,
*Delegate from Tippah County.*

Hon. B. B. Eggleston, President, etc.

The communication was received and resignation accepted.

Mr. Ppesident: The committee on Contingent Expenses, to whom was referred the annexed accounts, would respectfully report that, after a careful investigation of said accounts, they have found them correct, and would recommend that they be allowed.

Respectfully,
U. Ozanne, *Chairman.*
W. H. Gibbs,
J. Railsback,
J. C. Brinson,
*Committee.*

*State of Mississippi,*
*To Jackson Postoffice,* Dr.

March 21st, 1868.

| | |
|---|---|
| For postage on instructions sent to sixty-one counties for collection of Constitutional Convention Tax, sent by the Auditor of Public Accounts.... | $6 87 |

Correct:

F. Parsons,
*Chairman Finance Committee.*

*State of Mississippi,*
*To N. G. Gill,* Dr.

| | |
|---|---|
| For one cord of wood, for use of Constitutional Convention.......................................... | $6 50 |

*Stnte of Mississippi,*
*To Memphis Daily Post,* Dr.

| | |
|---|---|
| To 30 dailies for one month........................ | $30 00 |
| " " " to March the 25th, 1868...... | 30 00 |
| | $60 00 |

*State of Mississippi,*
*To N. G. Gill, Sergeant-at-Arms, to Eyrich & Co.,* Dr.

| | |
|---|---|
| To 500 office envelopes................................ | $10 00 |
| To 3 gross steel pens.................................. | 5 00 |
| To 2 boxes quill " ................................ | 2 00 |
| To 3 quarts Arnold's Ink ............................ | 6 75 |
| To 1 ream letter paper................................ | 10 00 |
| | $33 75 |

*State of Mississippi,*
*To M. C. Gallaway & Co.,* Dr.

| | |
|---|---|
| To subscription for Daily Avalanche for three months, commencing January 24th and ending March 24, 1868,................................ | $3 00 |

*State of Mississippi,*
*To Persons & Bailey,*

| | Dr. |
|---|---|
| To 4 brooms | $2 00 |
| To 3 glasses | 50 |
| | $2 50 |

*State of Mississippi,*
*To Vernon & Shannon,*

| | Dr. |
|---|---|
| To 16 copies of Daily Times, from the 16th to the 31st of January | $8 00 |
| To 20 copies of Daily Times per day, for month of February, 1868 | 20 00 |
| | $28 00 |

*State of Mississippi,*
*To Vicksburg Daily Herald,*

| | Dr. |
|---|---|
| To 5 copies Daily Herald, for two months to March 16th, 1868, | $10 00 |

*State of Mississippi,*
*To N. G. Gill,*

| | Dr. |
|---|---|
| To 1 copy of Chronicle, from January 21st to March 21st, inclusive, | $4 00 |

*State of Mississippi,*
*To Eyrich & Co.,*

| | Dr. |
|---|---|
| To 2 bottles copying ink | $5 00 |
| To 3 blank books | 3 25 |
| To 6 quires blank books | 6 00 |
| To 6 gross steel pens | 9 00 |
| To 6 dozen rubber bands | 4 00 |
| To 6 letter clips | 3 25 |
| To 3½ thousand office envelopes | 63 00 |
| To 1 letter press | 15 00 |
| To 2 copying books | 13 50 |
| To 6 sheets blotting paper | 2 00 |
| To ¼ ream envelope paper | 3 75 |
| To 1 glass desk instand | 2 00 |
| To 3 ruler rubbers | 4 50 |
| To 1 sheet oil paper | 25 |
| To 1 paper cutter | 75 |
| To 1 blank book (3 quires) | 3 00 |
| To 1 blank book | 1 00 |
| To 5 quires envelope paper | 3 75 |
| To 1 copying brush | 1 25 |
| To 12 quires blank book for Auditor | 12 00 |
| To 1 index for above | 75 |
| Total | $157 00 |

Rules suspended, report received, and the several amounts therein stated, allowed and ordered to be paid.

Mr. Chappell offered the following:

WHEREAS, A playful resolution was offered by Mr. Jones, yesterday, in reference to Mr. Castello having exhibited a nondescript weapon upon this floor, which it is believed was only intended to break the monotony of the proceedings, and with no intention of imputing to Mr. Castello the intention of interrupting the proceedings of the Convention; therefore,

*Be it resolved*, That the said resolution, by Mr. Jones, be stricken from the Journal.

Which was adopted.

Mr. Ballard offered the following:

WHEREAS, During the late war, large amounts of land were forfeited or sold to the State, for non-payment of taxes; and

*Whereas*, The State Government, at that time existing, was hostile to the Government of the United States, and illegal, and said taxes, if paid, would have been to the support of the rebellion; therefore,

*Be it resolved by this Convention*, That all such sales or forfeitures of land for non-payment of taxes to the State, during the years 1860, 1861, 1862, 1863, and 1864, be declared null and void, and all lands advertised as delinquent for non-payment of taxes, during the war, are hereby declared free from all claims of the State, arising therefrom.

Mr. Compton moved to make the above the special order for Thursday next;

Which was laid on the table.

Mr. Orr moved to amend as follows:

And all taxes levied under or by authority of any and all county or municipal authority, during the same time; and all indebtedness incurred by the State, county, or municipal authorities, except for works of internal improvements, for educational or charitable purposes, during the years 1861, 1862, 1863, 1864, and 1865, be and the same are hereby declared null and void, and of no effect.

Mr. Clarke moved to make the resolution of Mr. Ballard, and the amendment of Mr. Orr, the special order for Saturday next.

Mr. Orr moved to amend the motion of Mr. Clarke, by adding that one hundred copies be printed;

Which was carried.

And the motion of Mr. Clarke, as amended, was carried.

Mr. Alderson offered the following:

*Resolved*, That the committee to whom was referred the investigation of the charges made in the proclamation of the 9th December, 1867, be revived, and that the report made by them be referred back to them for further consideration.

Which was adopted.

Mr. Vaughan offered the following:

WHEREAS, During the late war between the United States of America and the so-called Confederate States, there was sold and forfeited to the State and individuals a large amount of divisions and sub-divisions of lands situate, lying, and being in the several counties of the State for taxes due thereon to the so-called Confederate States then in rebellion against the government of the United States; and

*Whereas*, It now fully appears that the Confederate States government did not exist in fact; therefore, be it

*Resolved*, That all of said sales of divisions and sub-divisions of lands sold to individuals or forfeited to the State for non-payment of taxes due thereon, between ths first day of January, 1861, and the first day of May, 1865, are hereby declared null and void, and of no effect in law, and that the same revert back to the original owner on the payment of the State, county, and special taxes due thereon after said last mentioned date.

*And be it further resolved*, That the committee on General Provisions be required to draft an ordinance to be made a part of the Constitution, covering and containing the facts embodied in this resolution.

Mr. Compton moved to lay the preamble and resolution on the table;

Which was lost.

Mr. Morgan moved to adopt the preamble and resolution.

Mr. Morgan moved to strike out the words "General Provisions" and insert the words "Ordinance and Schedule."

Mr. Herbert moved that the subject be made the special order for Saturday next;

Which was carried.

Mr. Townsend offered the following:

*Resolved*, That the chairman of the committee on Ordinance and Schedule be instructed to confer with the General commanding the Fourth Military District and ascertain from him, officially, if he will permit the Board of Registrars of the various counties to receive and make return to him of the votes cast for State, county, and district officers, and will make official promulgation thereof.

Mr. Clarke moved to strike out the word "committee" and insert the word "Secretary."

Mr. Orr moved to lay both the resolution and amendment on the table;

Which was carried.

Mr. Gibbs moved to suspend the rules to take up the supplemental report of committee on Legislative Department;

Which was carried.

And the supplemental report was taken up on its second reading.

Mr. McKee moved to consider by paragraphs;

Which was lost.

Mr. Compton moved to adjourn;

Which was lost.

Mr. Townsend moved that the Convention proceed to consider and adopt the report of the committee on Legislative Department;

Which was carried.

Sec. 40. Until the first enumeration, and a new apportionment shall be made as provided and directed in this Constitution, the apportionment of Senators and Representatives among the several counties and districts in this State shall be as follows:

Paragraph 1, of section 40, was adopted, and reads as follows:

1st. The county of Warren, five Representatives.

Paragraph 2, was adopted, and reads as follows:

2d. The counties of Hinds and Lowndes, each four Representatives.

Paragraph 3 was adopted as amended, and reads as follows:

3d. The counties of Adams, Carroll, DeSoto, Holmes, Madison, Marshall, Monroe, Noxubee, Washington, and Yazoo, each three Representatives.

Paragraph 4 was adopted, and reads as follows:

4th. The counties of Attala, Chickasaw, Choctaw, Claiborne, Copiah, Jefferson, Lafayette, Lauderdale, Lee, Oktibbeha, Panola, Tippah, Wilkinson, Yalobusha, Tishomingo, and Rankin, each two Representatives.

Paragraph 5 was adopted, and reads as follows:

5th. The counties of Amite, Bolivar, Calhoun, Clarke, Franklin, Issaquena, Itawamba, Jasper, Kemper, Lawrence, Leake, Pontotoc, Pike, Sunflower, Scott, Tallahatchie, Winston, Simpson, Coahoma, Tunica, Newton, Neshoba, Covington, Smith, Wayne, Davis, Greene, Jackson, Hancock, Marion, Harrison, and Perry, each one Representative.

## SENATE.

Section 41:

Paragraph 1, of section 41 was adopted, and reads as follows:

1st. The counties of Hancock, Harrison, Jackson, Marion, Greene, and Perry, shall form the First District, and elect one Senator.

Paragraph 2 was adopted, and reads as follows:

2d. The counties of Wilkinson and Amite, the Second District, and one Senator.

Paragraph 3 was adopted, and reads as follows:

3d. The counties of Pike, Lawrence, and Covington, the Third District, and one Senator.

Paragraph 4 was adopted, and reads as follows:

4th. The county of Adams, the Fourth District, and one Senator.

Paragraph 5 was adopted, and reads as follows:

5th. The counties of Franklin and Jefferson, the Fifth District, and one Senator.

Paragraph 6 was adopted, and reads as follows:

6th. The counties of Claiborne and Copiah, the Sixth District, and one Senator.

Paragraph 7 was adopted, and reads as follows:

7th. The counties of Warren and Issaquena, the Seventh District, and two Senators.

Paragraph 8 was adopted, and reads as follows:

8th. The counties of Hinds, Rankin and Simpson, the Eighth District, and two Senators.

Paragraph 9 was adopted, and reads as follows:

9th. The counties of Davis, Jasper, Clarke, and Wayne, the Ninth District, and one Senator.

Paragraph 10 was adopted, and reads as follows:

10th. The counties of Lauderdale and Kemper, the Tenth District, and one Senator.

Paragraph 11 was adopted, and reads as follows:

11th. The counties of Newton, Smith, and Scott, the Eleventh District, and one Senator.

Paragraph 12 was adopted, and reads as follows:

12th. The county of Madison, the Twelfth District, and one Senator.

Paragraph 13 was adopted, and reads as follows:

13th. The county of Yazoo, the Thirteenth District, and one Senator.

Paragraph 14 was adopted, and reads as follows:

14th. The counties of Washington and Sunflower, the Fourteenth District, and one Senator.

Paragraph 15:

Mr. Stiles moved that the report be referred back to the committee, with instructions to bring in a report based upon the census of May, 1860;

Which was lost.

And paragraph 15 was adopted, and reads as follows:

15th. The county of Holmes, the Fifteenth District, and one Senator.

Paragraph 16 was adopted, and reads as follows:

16th. The counties of Attala, Leake, and Neshoba, the Sixteenth District, and one Senator.

Paragraph 17 was adopted, and reads as follows:

17th. The county of Noxubee, the Seventeenth District, and one Senator.

Paragraph 18:

Mr. Weir moved to amend as follows: Strike out the word "counties," and insert the word "county;" strike out, in the second line, the words "and Oktibbeha;" strike out in the third line, the words "two Senators," and insert the words "one Senator," and insert an additional section, 19, "the county of Oktibbeha, the Nineteenth District, and one Senator;"

Which was lost.

Paragraph 18 was adopted, and reads as follows:

18th. The counties of Lowndes and Oktibbeha, the Eighteenth District, and two Senators.

Paragraph 19 was adopted, and reads as follows:

19th. The counties of Choctaw and Winston, the Nineteenth District, and one Senator.

Paragraph 20 was adopted, and reads as follows:

20th. The county of Carroll, the Twentieth District, and one Senator.

Paragraph 21 was adopted, and reads as follows:

21st. The counties of Calhoun and Yalobusha, the Twenty-first District, and one Senator.

Paragraph 22:

Mr. Herbert moved to amend as follows: By striking out the word "Chickasaw," and by changing the word "counties" and inserting the word "county," so that the paragraph shall read, "The county of Monroe shall constitute the Twenty-second District, and one Senator;"

Which was laid on the table

Paragraph 22 was adopted, and reads as follows:

22d. The counties of Chickasaw and Monroe, the Twenty-second District, and two Senators.

Paragraph 23 was adopted, and reads as follows:

23d. The counties of Bolivar, Coahoma, and Tunica, the Twenty-third District, and one Senator.

Paragraph 24 was adopted, and reads as follows:

24th. The counties of Panola and Tallahatchie, the Twenty-fourth District, and one Senator.

Paragraph 25 was adopted, and reads as follows:

25th. The county of DeSoto, the Twenty-fifth District, and one Senator.

Paragraph 26 was adopted, and reads as follows:

26th. The county of Marshall, the Twenty-sixth District, and one Senator.

Paragraph 27 was adopted, and reads as follows:

27th. The counties of Lafayette and Pontotoc, the Twenty-seventh District, and one Senator.

Mr. Compton moved that the Convention adjourn until 3 o'clock P. M.;

Which was carried.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Combash, Compton, Dalton, Drane, Elliott John, Field, Fitzhugh, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Holland, Hutto, Jacobs, Jamison, Johnson S., Kerr, Lack, Lawson, Leas, Leonard, Mayson, Mask, Musgrove, Moore, Morgan, Myers, Mygatt, McCutchen, McKee, McKnight, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Phillips, Powell, Quinn, Railsback, Richardson, Stewart, Stites, Stovall, Stringer, Townsend, Toy, Walker, Warren, Weir, Williams, and Yeoman—71.

The following delegates were absent:

Messrs. Clarke, Collins, Conley, Cunningham, Dowd, Elliott

James, Hemmingway, Herbert, Howe, Johnson A., Jones, Longmire, Montgomery, Miles, Neilson, Nelms, Nesbitt, Rainey, Smith, Stiles, Vaughan, Watson—22.

The Convention resumed the consideration of paragraph 28.

Mr. Bridges offered the following amendment: Strike out the word "Lee" and insert the word "Tishomingo."

Mr. John Elliott remarked that he preferred the section as reported from the Committee; that Lee was formerly a part of Itawamba county, and that he felt it his duty to oppose the amendment.

And the amendment was adopted.

Paragraph 28 was adopted as amended, and reads as follows:

28th. The counties of Tishomingo and Itawamba, the Twenty-eight District, and one Senator.

Mr. Bridges moved to amend paragraph 29 by striking out the word "Tishomingo," and inserting the word "Lee;"

Which was adopted.

Paragraph 29 was adopted as amended, and reads as follows:

29th. The counties of Tippah and Lee, the Twenty-ninth District, and one Senator.

Mr. Orr offered the following, from the minority report, as additional sections, and recommend their adoption.

Mr. Clarke moved to indefinitely postpone the 2d section;

Which was carried.

Mr. Orr moved to infinitely postpone the 3d section;

Which was carried.

Sec. 44. No Senator or Representative during the term for which he was elected, shall be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which have been increased during the time such Senator or Representative was in office, except to such offices as may be filled by an election of the people.

Mr. Morgan moved to strike out the word "civil" in the fifth line;

Which was carried.

And section 44 was adopted, as amended, and reads as follows:

Sec. 44. No Senator or Representative during the term for which he was elected, shall be appointed to any office of profit under this State, which shall have been created, or the emoluments of which have been increased during the time such Senator or Representative was in office, except to such offices as may be filled by an election of the people.

Sec. 6. In the year in which a regular election for a Senator of the United States is to take place, the members of the Legislature shall meet in the hall of the House of Representatives on the second Monday following the meeting of the Legislature, and proceed to said election by joint ballot of both houses.

Mr. Herbert moved to amend by striking out the "seventh and eighth lines," and inserting the words "on such day as may be fixed upon.

Mr. Orr moved to table the amendment; which was carried.

Mr. Morgan moved to amend as follows:

By striking out "seventh and eighth lines," and inserting in fifth line, after the word shall "before adjournment *sine die*."

The following amendment to the amendment was offered by Mr. Leas:

By striking out after the word "Representative" in sixth line, up to the word "Legislature" in the eighth line, and insert the words "as per agreement within twenty days from the meeting of said."

The amendment, and amendment to amendment, were laid on the table.

Mr. Gaither offered the following amendment, which was accepted by Mr. Orr:

*Provided*, That if on that day, there shall be no quorum present, that the Legislature shall adjourn from day to day, until there shall be a quorum, and proceed to the election.

Previous question moved and sustained, and the section was adopted, and reads as above.

Section 38 was taken up for consideration.

Mr. Orr moved to strike out from and including the word "provided," in tenth line, to "representation," in seventeenth line;

Which was carried.

And the section as amended, was adopted.

And section 38 was adopted as a whole.

Mr. Herbert moved that section 40 be adopted;

Which was carried.

And section 40 was adopted as a whole.

Mr. Parsons of Adams, moved that 100 copies of the report of the committee on Legislative Department, as it passed the second reading, be printed;

Which was carried.

The supplemental report of the Judiciary Committee, submitted by Messrs. Peyton and Alderson, was taken up for consideration.

Convention adjourned until to-morrow morning, at 9 o'clock.

T. P. SEARS,
*Secretary.*

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## SIXTY-EIGHTH DAY.

JACKSON, MISS., Wednesday, March 25th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Clarke, Combash, Drane, Elliott John, Elliott James, Field, Fitzhugh, Gaither, Gibbs, Gray, Handy, Hauser, Herbert, Holland, Howe, Hutto, Jacobs, Johnson S., Johnson A., Kerr, Lack, Lawson, Leas, Leonard, Mayson, Mask, Musgrove, Moore, Myers, McCutchen, McKee, McKnight, Nelms, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Phillips, Powell, Quinn, Railsback, Richardson, Stewart, Stites, Stovall, Stringer, Stiles, Townsend, Toy, Vaughan, Walker, Warren, Williams, Woodmansee, and Yeoman—71.

The following delegates were absent:

Messrs. Collins, Compton, Conley, Cunningham, Dalton, Dowd, Fawn, Goss, Hemmingway, Longmire, Montgomery, Miles, Morgan, Mygatt, Neilson, Nesbitt, Rainey, Smith, Watson, and Weir—20.

Journal of yesterday read and approved.

Leave of absence was granted to Mr. Townsend for 10 days.

The committee on Contingent Expenses reported the following:

Mr. President: The committee on Contingent Expenses, to whom was referred the annexed account, after due examination, found the same correct, and recommend that it be allowed.

Respectfully,

U. Ozanne,
*Chairman.*
W. H. Gibbs,
J. Railsback,
Jno. C. Brinson,
*Committee.*

*The State of Mississippi,*

*To N. G. Gill,* Dr.

To postage on newspapers subscribed for by members of the Constitutional Convention, under the resolution allowing each member five papers, daily.............................$30 50

Report received.

The rules were suspended to take action;

And the account was allowed and ordered to be paid.

Mr. Ozanne offered the following:

Whereas, There was an ordinance passed on the 23d of January, by this Convention, for the purpose of regulating the taxes in the several counties of the State; and

*Whereas,* The Sheriffs are disregarding said ordinance, under the plea that they never have been duly notified, and are collecting full assessment; and

*Whereas,* The tax payers claim that the Convention has the same power to reduce, as to levy taxes, and said ordinance is a cause of conflict between collectors and tax payers; therefore,

*Be it resolved,* That it is the sense of this Convention that said ordinance should be enforced, and the Sheriffs and Tax

Collectors of each county be duly notified, and copies of said ordinance be furnished to each of them.

*Be it further resolved*, That a copy of this resolution, and of that ordinance referred to, signed by the President, and countersigned by the Secretary, be immediately transmitted to the General Commanding, for his approval.

Amend by inserting after the words, "to each of them," the words, "and that they be instructed to refund any money collected in violation of said ordinance."

Mr. Parsons, of Adams, moved to refer to the committee on Finance.

A motion to lay on the table was lost.

And the motion of Mr. Parsons was carried.

Mr. Myers offered the following:

WHEREAS, There is a Reporter employed by this Convention at a high price, for the purpose of reporting the debates and other proceedings of the Convention; and

*Whereas*, The said Reporter has failed to comply with said engagement; therefore, be it

*Resolved*, That said Reporter be paid up for past services, indifferently performed, and that he be relieved from further attendance on this Convention.

Mr. Gibbs moved to amend by striking out the word "Reporter," where it occurs, and insert the words, "Official Printer."

Mr. Herbert moved to refer the resolution and amendment to a special committee of three to investigate and report.

Mr. Compton moved to indefinitely postpone.

Mr. Hauser moved to lay on the table;

Which was carried, by the following vote:

YEAS—Messrs. Alderson, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Clarke, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Holland, Jacobs, Johnson A., Lawson, Leonard, Musgrove, Moore, Morgan, Myers, McKee, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Stewart, Stites, Stringer, Toy, Weir, Williams, Woodmansee, and Yeoman—38.

NAYS—Messrs. Alcorn, Ballard, Beam, Chappell, Compton, Elliott John, Elliott James, Field, Gaither, Goss, Gray, Howe, Hutto, Jamison, Johnson S., Kerr, Lack, Leas, Mayson, Mask, Mygatt, McCutchen, McKnight, Nelms, Nesbitt, Orr, Phillips, Quinn, Railsback, Richardson, Stovall, Stiles, Townsend, and Warren—34.

Mr. Morgan moved to amend, that the committee should consider the debates as published in the Official Journal of the 23d, 24th, and 25th instants.

Previous question called, call sustained; and the amendment of Mr. Morgan was adopted.

And the motion of Mr. Herbert was adopted as amended.

Mr. Compton moved to suspend the rules, and that when the Convention adjourn it be until the usual hour to-morrow;

Which was carried.

The supplementary report of the committee on Judiciary, submitted by Messrs. Alderson and Peyton, was taken up on its second reading.

And Mr. Parsons, of Adams, moved to amend by substituting section 1, of Report No. 39.

Mr. Railsback moved to substitute section 16 of Report No. 31.

Mr. Parsons, of Adams, moved to lay the motion on the table;

Which was lost.

Pending further consideration, the Convention adjourned until to-morrow morning at 9 o'clock.

T. P. Sears,
*Secretary.*

## SIXTY-NINTH DAY.

Jackson, Miss., Thursday, March 26th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Compton, Cunningham, Drane, Elliott John, Elliott James, Field, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Herbert, Holland, Howe, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Kerr, Lack, Lawson, Leas, Leonard, Mayson, Mask, Musgrove, Montgomery, Moore, Morgan, Myers, Mygatt, McCutchen, McKee, McKnight, Nelms, Nesbitt, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Phillips, Powell, Quinn, Railsback, Richardson, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Vaughan, Walker, Williams, Woodmansee, and Yeoman—76.

The following delegates were absent:

Messrs. Collins, Conley, Dalton, Dowd, Fawn, Hemmingway, Jones, Longmire, Miles, Neilson, Rainey, Smith, Townsend, Walker, Watson, Warren, and Weir—17.

Journal of yesterday read and approved.

Leaves of absence were granted to the following delegates, for the period affixed to their names:

To Mr. Conley for five days; to Mr. Warren for five days; to Mr. Hemmingway for one day.

The Committee on Ordinance and Schedule made the following report:

*To the President of the Constitutional Convention:*

Your Committee on Ordinance and Schedule respectfully present the report, which they ask may be received and adopted.

Very Respectfully,
H. Musgrove, *Chairman.*
E. H. Stiles,
A. J. Jamison,
C. Caldwell,
W. T. Combash,
*Committee.*

## MODE OF REVISING THE CONSTITUTION.

Whenever two-thirds of each branch of the Legislature shall deem any change, alteration or amendment necessary to this Constitution, such proposed change, alteration or amendment shall be read and passed by a majority of two-thirds of each house, respectively, on each day, for three several days; public notice shall then be given by the Secretary of State, at least three months preceding the next general election, at which the qualified electors shall vote directly for or against such change, alteration or amendment; and if it shall appear that a majority of the qualified electors, voting for members of the Legislature, shall have voted for the proposed change, alteration, or amendment, then it shall be inserted by the next succeeding Legislature as a part of this Constitution, and not otherwise.

## SCHEDULE.—Article —.

Section 1. The Ordinance of Secession of the State of Mississippi, passed January 9th, 1861, is hereby declared to be null and void. The so-called Constitution, adopted in 1865, and all previous Constitutions framed in and for the State of Mississippi, are hereby declared to be repealed and annulled by this Constitution.

Sec. 2. All laws now in force in this State, not repugnant to this Constitution, shall continue in operation until they shall expire by their own limitation, or be altered or repealed by the Legislature, except the hereinafter mentioned laws, to-wit: "An Act to change the name of the county of Jones, and for other purposes," approved December 1, 1865. "An Act to establish a ferry across the Mississippi at Vicksburg," approved November 29, 1865.

Sec. 3. The laws relative to the duties of State officers, shall remain in force, though contrary to this Constitution; and the several duties shall be performed by the respective officers until the organization of the government under this Constitution.

Sec. 4. The Legislature shall provide for the removal of causes now pending in the courts of this State, to courts created by or under this Constitution.

## ORDINANCE.

Sec. 5. Immediately upon the adjournment of this Convention, this Constitution shall be submitted for ratification to the registered voters of the State, in conformity with the Act of Congress, passed March 2, 1867, entitled "An Act to provide for the more efficient government of the rebel States," and the Acts supplementary thereto.

SEC. 6. The election for the ratification of this Constitution, shall be held on the ——— days of ———, 1868, at the places now prescribed by law, and the polls shall be kept open from seven o'clock, A. M., until seven o'clock P. M. At said election all those in favor of ratifying the Constitution shall have written or printed on their ballots, the words, "For the Constitution;" and those opposed to ratifying the Constitution shall have written or printed on their ballots the words: "Against the Constitution;" but no person shall vote for or against this Constitution on a separate ballot from that cast by him for officers to be elected at said election under this Constitution.

SEC. 7. In order to establish a civil government as required by the Act of Congress, passed March 23, 1867, an election shall be held at the same time and place at which the Constitution is submitted for ratification, for all State officers, for members of the Legislature, and for Congressional Representatives, at which election the electors who are qualified under the Reconstruction Acts of Congress, shall vote, and none others.

SEC. 8. At the election for the ratification of the Constitution, and for officers of the civil government, as required by Congress, all registered electors may vote in any county where they have resided ten days next preceding said election, and at any precinct in the county, upon presentation of their certificates of registration, affidavit, or any satisfactory evidence that they are entitled to vote as registered electors.

SEC. 9. The same Registrars and Commissioners who shall be appointed by the Commanding General of the Fourth Military District to superintend the election for the ratification or rejection of the Constitution, shall also, at the same time and place, superintend the election for all officers and Representatives herein ordered. Returns shall be made in duplicate, sworn to by the Registrars and Commissioners holding the election, and forwarded within three days thereafter to the President of this Convention, and to the Commanding General of this District, who shall, within five days after the last return has been received, make proclamation of the result of said election; and if said Constitution shall have been adopted, the President of this Convention shall transmit a certified copy of the same, together with an abstract of the votes cast, to the President of the United States, to be by him laid before the Congress of the United States for their approval or rejection, and shall also declare the officers elected thereunder; and if declared ratified, the Constitution shall, from and after that date, be in full force and effect.

SEC. 10. The Legislature elected under this Constitution shall hold its first session in the Capitol, on the third Monday after the official promulgation aforesaid, and shall proceed immediately upon its organization, to vote upon the adoption of the Fourteenth Amendment of the Constitution of the United States, proposed by Congress and passed June 13, 1866. Said Legislature shall not have power to enact any laws relative to the per diem of members, nor on any other subject after organization, until said Constitutional Amendment shall have been acted upon.

SEC. 11. All Registrars and Commissioners appointed under this Constitution, shall, before entering upon their respective duties, take and subscribe the oath of office prescribed by Congress, approved July 2, 1862, entitled "an Act to prescribe an oath of office."

Report received and two hundred copies ordered printed.

Mr. Handy offered the following:

*Resolved*, That we frame a Constitution and be ready to go home by the first day of April, and if here longer our per diem shall be forfeited.

Which was laid on the table.

Mr. Orr offered the following:

*Resolved*, That the warrants issued to the members and officers of this Constitution be made out in such amounts as will suit the convenience of the party in whose favor the same may be drawn; and that the State Auditor be, and is hereby required to comply with the provisions of this resolution.

Mr. Musgrove moved to amend as follows:

"*Provided*, That no warrant shall be issued for less than ten dollars."

Mr. Herbert moved to amend as follows:

"That no warrant shall be issued for a less amount than five dollars;"

Which was laid on the table.

Mr. Fitzhugh moved to lay the amendment of Mr. Musgrove on the table;

Which was lost.

And the amendment of Mr. Musgrove was adopted.

And the resolution was adopted as amended, and reads as follows:

*Resolved*, That the warrants issued to the members and officers of this Convention be made out in such amounts as will suit the convenience of the party in whose favor the same may be drawn; *Provided*, That no warrant shall be issued for a less amount than ten dollars, and that the State Auditor be, and is hereby required to comply with the provisions of this resolution.

The Convention then resumed the consideration of the report of the committee on Judiciary, which was pending on adjournment yesterday.

And the amendment of Mr. Railsback, introduced yesterday, was adopted.

And section 16 was adopted, as amended, and reads as follows:

SECTION. 16. A Chancery Court shall be established with full jurisdiction in all matters of equity, and in all matters testamentary, and of administration in orphans' and minors' business, and allotments of dower, in cases of idiocy and lunacy, and of persons *non compos mentis;* also in all cases of divorce and alimony, and all other matters pertaining to a court of chancery jurisdiction.

Section 17:

Mr. Cunningham moved to strike out and insert section 17 of No. 31, of printed report of Judiciary Sub-Committee.

Mr. Gaither moved to amend the amendment as follows:

Add to the end of the section the words "and shall hold not less than four terms each year in each county in his district;"

Which was adopted.

Mr. Orr moved to amend as follows:

Strike out the word "appointed," in the fifth line, and insert the word "elected."

A motion to lay on the table was lost;

And the amendment of Mr. Orr was carried, by the following vote:

YEAS—Messrs. Bridges, Brinson, Caldwell, Chapman, Clarke, Combash, Cunningham, Drane, Jamison, Johnson A., Kerr, Leas, Mayson, Musgrove, Montgomery, Myers, Mygatt, McCutchen, McKee, Ozanne, Peyton E. A., Powell, Quinn, Railsback, Stites. Stringer, Vaughan, Weir, Yeoman—29.

NAYS—Messrs. Alderson, Alcorn, Bonney, Chappell, Compton, Elliott John, Field, Fitzhugh, Gaither, Gibbs, Goss, Handy, Herbert, Holland, Hutto, Jacobs, Johnson S., Lack, Moore, Orr, Parsons F., Parsons J. R., Peyton E. G., Richardson, Stewart, Stiles, Woodmansee—27.

And the amendment of Mr. Cunningham, as amended, was adopted.

Pending further consideration of the 17th section, Mr. Parsons, of Adams, moved to reconsider the 16th section.

Mr. Weir moved to table;

Which was lost, by the following vote:

YEAS—Messrs. Bridges, Brinson, Caldwell, Compton, Cunningham, Elliott John, Gaither, Gibbs, Gray, Jamison, Kerr, Leas, Mayson, Musgrove, Montgomery, Myers, Mygatt, McCutchen, Newsom, Peyton E. A., Powell, Quinn, Railsback, Stringer, Vaughan, Weir—26.

NAYS—Messrs. Alderson, Alcorn, Ballard, Bonney, Chapman, Clarke, Combash, Field, Fitzhugh, Goss, Handy, Herbert, Holland, Hutto, Jacobs, Johnson S., Johnson A., Lack, Leonard, Moore, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. G., Richardson, Stewart, Stites, Stiles, Woodmansee—30.

Mr. Cunningham moved that the consideration of the motion to reconsider be indefinitely postponed;

Which was laid on the table.

Mr. Gibbs moved the previous question;

Which was sustained.

And the motion of Mr. Parsons, of Adams, to reconsider section 16, was carried.

Mr. Parsons, of Adams, moved to strike out the "16th section of Report No. 31," and insert "section 1 of Report No. 39."

Mr. Gibbs moved to adjourn;

Which was carried.

Pending further consideration, Convention adjourned, until 3 o'clock, P. M.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Castello, Caldwell, Chapman, Chappell, Clarke, Combash, Compton, Drane, Elliott John, Elliott James, Field, Fitzhugh, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Herbert, Holland, Hutto, Jacobs, Johnson S., Kerr, Lack, Leas, Leonard, Mask, Musgrove, Montgomery, Moore, Myers, Mygatt, McCutchen, McKee, McKnight, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. G., Phillips, Powell, Quinn, Richardson, Stewart, Stiles, Stovall, Stringer, Stites, Walker, Weir, Williams, Woodmansee, and Morgan—63.

The following named delegates were absent:

Messrs. Alderson, Brinson, Collins, Conley, Cunningham, Dalton, Dowd, Fawn, Hemmingway, Howe, Jamison, Johnson A., Jones, Lawson, Longmire, Mayson, Miles, Neilson, Nelms, Nesbitt, Peyton E. A., Railsback, Rainey, Smith, Townsend, Toy, Vaughan, Watson, Warren, and Yeoman—30.

Sundry members refusing to obey the summons of the Convention to attend upon its session, were brought before the bar of the Convention, but upon explanation, were excused.

Mr. Parsons, of Adams, moved to suspend the rules to enable him to introduce a resolution;

Which was carried.

Mr. Parsons, of Adams, introduced the following:

WHEREAS, It has come to the knowledge of this Convention, that the Sheriffs of several counties, have issued their notices to the people, directing them to pay the taxes levied by this Convention, and have exempted much property in said notices from taxation contrary to the intent and provisions of said ordinance; therefore, be it

*Resolved*, That the Auditor of State be, and is hereby directed to instruct the Sheriffs and Tax Collectors of the several counties, as follows:

1st. That under and by virtue of section 1 of said tax ordinance all personal property specifically taxed according to its valuation, under the State laws, pays an additional tax of fifty per cent. upon the State tax.

2d. That under section 2 of said tax ordinance, all personal property of every kind and nature, not taxed under and by virtue of any laws of the State according to its valuation, pays a tax of one-half of one per cent. of its value.

3d. That no personal property whatever, is exempt from taxation under said ordinance; be it further

*Resolved*, That the Secretary furnish the State Auditor with a copy of this resolution.

Which was adopted.

The amendment of Mr. Parsons, of Adams, to section 16, presented this morning, was declared out of order.

Mr. Gibbs moved to postpone the further consideration of No. 38, the supplementary report of the Judiciary Committee, and take up Report No. 31, for its first reading.

Mr. Parsons, of Adams, moved to lay on the table;

Which was carried.

The question recurring on the amendment of Mr. Railsback,

Mr. Parsons, of Adams, moved to amend by inserting section 1 of Report No. 39, instead.

A motion to adjourn was lost.

Mr. E. A. Peyton moved the previous question;

Which was not sustained.

The President announced the following committee to report on the resolution in reference to the Reporter and Printer:

Messrs. Herbert, Hauser, and Gibbs.

Convention adjourned until to-morrow morning, at 9 o'clock.

T. P. Sears,
*Secretary.*

## SEVENTIETH DAY.

Jackson, Miss., Friday, March 27th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Compton, Conley, Cunningham, Drane, Dowd, Elliott, Jno., Elliott James, Field, Fitzhugh, Gaither, Gibbs, Gray, Goss, Handy, Hauser, Hemmingway, Herbert, Holland, Howe, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Kerr, Lack, Lawson, Leas, Leonard, Mask, Musgrove, Montgomery, Moore, Morgan, Myers, Mygatt, McCutchen, McKee, McKnight, Nelms, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Phillips, Powell, Quinn, Railsback, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Weir, Williams, Yeoman—75.

The following delegates were absent:

Messrs. Collins, Dalton, Fawn, Jones, Longmire, Mayson, Miles, Neilson, Nesbitt, Rainey, Smith, Townsend, Vaughan, Walker, Watson, Warren, Woodmansee—17.

Journal of yesterday read and approved.

Leaves of absence were granted to the following named delegates for the period affixed to their names:

To Mr. Woodmansee, for three days; to Mr. F. Parsons, for ten days; to Mr. Rainey, from day to day; to Mr. Mayson, one day; to the Sergeant-at-Arms, one day.

Mr. Barry, chairman of the committee on Legislative Department, submitted the following report:

MR. PRESIDENT: Your committee on Legislative Department would respectfully refer back the resolution introduced by Mr. Stringer, of Warren, as it relates to a subject foreign to their duties.

H. W. BARRY,
*Chairman.*

The resolution referred to is in reference to those persons who have heretofore lived and cohabited together as man and wife, recognizing as legitimate their issue, etc.

Mr. Morgan moved to suspend the rules, and that the report be referred to a special committee of three.

Mr. Compton moved to indefinitely postpone.

Mr. Fitzhugh moved to table;

Which was carried.

And the resolution of Mr. Morgan was adopted.

Mr. McKee moved to reconsider the action on the resolution presented by Mr. F. Parsons, yesterday, relating to the tax ordinance;

Which was carried.

Mr. Parsons, of Adams, moved to strike the resolution from the Journal, and all action relating thereto.

Mr. Herbert moved to amend, and refer to a special committee of three.

Mr. Parsons, of Adams, moved to lay Mr. Herbert's amendment on the table;

Which was lost.

Mr. Newsom called the previous question, call sustained; and the motion of Mr. Herbert was adopted.

Mr. Cunningham moved to suspend the rules to permit the introduction of an ordinance;

Which was carried.

Mr. Gaither offered the following:

### AN ORDINANCE SUPPLEMENTAL TO, AND EXPLANATORY OF, AN ORDINANCE PASSED BY THIS CONVENTION ON THE 27TH FEBRUARY, 1868, TO PROVIDE FOR THE LEVY AND COLLECTION OF A SPECIAL TAX TO PAY THE EXPENSES OF THIS CONVENTION.

*Be it ordained*, That section 2 of said ordinance, nor any other portion thereof, shall be so construed as to authorize the levy of a tax upon any property not taxable by the revenue laws of this State.

The ordinance was referred to a select committee on the subject.

Mr. McKee, of Warren, introduced the following:

*Resolved*, That the committee on Printing be instructed to report the cost of printing the debates of this Convention.

Mr. Cunningham moved to lay on the table;

Which was lost.

And the resolution of Mr. McKee was adopted.

The Convention resumed the consideration of the report of the committee on Judiciary, being the amendment to the amendment offered by Mr. F. Parsons yesterday.

The previous question being called, it was not sustained.

No quorum voting.

And the section lies over.

Mr. Weir moved that the doors be closed, and that members remain in their seats, and the Sergeant-at-Arms be sent for absentees;

Which was lost.

Mr. Orr moved that the Convention proceed to consider the report on Franchise;

Which was carried.

Mr. Clarke moved to suspend the rules and take up the report of the committee on Judiciary;

Which was carried.

Mr. Clarke moved to postpone indefinitely, the amendment to the amendment offered by Mr. Parsons, of Adams, yesterday.

Mr. Herbert moved to table the motion;

Which was lost.

No quorum voting.

And the motion of Mr. Clarke was lost, by the following vote:

Yeas—Messrs. Alcorn, Ballard, Clarke, Cunningham, Dowd, Gaither, Gray, Holland, Jamison, Mask, Musgrove, Montgomery, Mygatt, McCutchen, McKnight, Powell, Quinn, Railsback, Stovall, Stringer, and Weir—21.

Nays—Messrs. Alderson, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Chappell, Combash, Drane, Elliott James, Goss, Handy, Hauser, Herbert, Hutto, Jacobs, Johnson S., Johnson A., Kerr, Lack, Lawson, Leas, Leonard, Moore, Morgan, Myers, McKee, Nelms, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Richardson, Stewart, Stiles, Toy, and Yeoman—41.

Mr. Gibbs moved the previous question;

Which was sustained.

And the amendment to the amendment offered by Mr. Parsons, was adopted, by the following vote:

Yeas—Messrs. Alderson, Barry, Ream, Bonney, Bridges, Brinson, Caldwell, Castello, Clarke, Conley, Drane, Elliott John, Field, Goss, Gray, Handy, Hauser, Hemmingway, Herbert, Holland, Hutto, Jacobs, Johnson S., Johnson A., Kerr, Lack, Lawson, Leonard, Montgomery, Moore, Morgan, Myers, Nelms, Newsom, Orr, Ozanne, Parsons, J. R., Parsons F., Peyton E. A., Peyton E. G., Richardson, Stovall, Stiles, Toy, Williams—45.

NAYS—Messrs. Alcorn, Ballard, Combash, Cunningham, Dowd, Elliott James, Gaither, Gibbs, Howe, Leas, Mayson, Mask, Musgrove, Mygatt, McCutchen, McKee, McKnight, Powell, Railsback, Stewart, Stringer, and Weir—22.

And the amendment as amended, was adopted.

And section 16 was adopted as amended, and reads as follows:

SEC. 16. Chancery Courts shall be established in each county in this State, with full jurisdiction in all matters of equity and of divorce and alimony; the Circuit Court Judge shall be the Chancellor of these Courts in his district, and the said Chancery Courts shall be held at the same time and place that the Circuit Courts are held.

Mr. Orr moved to reconsider the vote adopting the section;

Which was laid on the table.

Mr. Newsom moved to suspend the rules, to enable him to introduce a resolution;

Which was laid on the table.

Mr. Newsom moved to adjourn;

Which was lost, by the following vote:

YEAS—Messrs. Alcorn, Barry, Bridges, Chapman, Combash, Compton, Conley, Cunningham, Drane, Gibbs, Hauser, Hemmingway, Herbert, Lawson, Mask, Montgomery, Moore, Morgan, Myers, McKnight, Nelms, Newsom, Orr, Richardson, Stewart, Stringer, Stiles, Toy, Vaughan, Walker, Weir, Williams, and Yeoman—33.

NAYS—Messrs. Alderson, Ballard, Beam, Bonney, Caldwell, Castello, Chappell, Clarke, Dowd, Elliott Jno., Elliott Jas,, Field, Gaither, Goss, Gray, Handy, Holland, Howe, Hutto, Jacobs, Johnson S., Johnson A., Kerr, Lack, Leas, Leonard, Mayson, Musgrove, Mygatt, McCutchen, McKee, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Peyton E. G., Phillips, Powell, Railsback, and Stovall—40.

Mr. Chappell moved that the rules be suspended, to permit him to introduce a resolution.

A motion to table was lost.

Convention adjourned until 3 o'clock P. M.

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Barry, Beam, Bonney, Bridges, Caldwell, Castello, Chapman, Combash, Compton, Conley, Dowd, Drane, Elliott John, Elliott James, Field, Fitzhugh, Gaither, Gibbs, Goss, Gray, Hauser, Holland, Howe, Hutto, Jacobs, Johnson A., Johnson S., Kerr, Lack, Lawson, Leas, Leonard, Mayson, Montgomery, Moore, Morgan, Myers, Mygatt, McCutchen, McKee, McKnight, Nesbitt, Nelms, Ozanne, Parsons J. R., Peyton E. A., Peyton E. G., Phillips, Powell, Orr, Quinn, Railsback, Richardson, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Walker, Weir, Williams, Yeoman—71.

The following delegates were absent:

Messrs. Ballard, Chappell, Clarke, Collins, Cunningham, Fawn, Handy, Hemmingway, Herbert, Jamison, Jones, Mask, Miles, Neilson, Parsons F., Rainey, Smith, Townsend, Vaughan, Watson, Warren, Woodmansee—22.

The Convention resumed the consideration of the report of the Judiciary Committee.

Mr. Morgan moved to amend by striking out section 17 of Report No. 31, as amended, and insert second blank section of Report No. 39.

Mr. Gibbs moved to strike out section 17 of Report No. 31, as amended, and insert section 17 of Report No. 31, as printed;

Which was laid on the table.

Mr. Gaither moved to amend amendment by adding, at the close of section, the following:

"His qualification shall be the same as that of Circuit Judge;"

Which was laid on the table.

Mr. Montgomery moved to insert after the word "orphan," in fifth line, of Report No. 39, the words, "and minors."

Amendment accepted by Mr. Morgan.

Mr. E. G. Peyton moved to amend by striking out section 2, in Report No. 39, and insert as follows:

"A Probate Court shall be established, with jurisdiction in matters testamentary, and of administration in minors business, and allotment of dower, and in cases of idiocy, lunacy, and persons *non compos mentis;*"

Which was adopted.

Mr. Compton moved to adjourn;

Which was lost.

And the section was adopted as amended, and reads as follows:

Sec. 17. A Probate Court shall be established with jurisdiction in all matters testamentary, and of administration in minors' business, and all allotments of dower, and in cases of idiocy, lunacy, and persons *non compos mentis.*

The President announced the following delegates as composing the committee in reference to the resolution introduced by Mr. F. Parsons, relating to Tax Ordinance:

Mr. Herbert, of Monroe;
Mr. McKee, of Warren;
Mr. Gaither, of Lee.

Section 18 of Report No. 38:

Mr. E. G. Peyton moved to amend by striking out section 18 and inserting as follows:

Sec. 18. The Legislature shall divide the State into convenient Probate Districts, each of which to be composed of not more than four counties. A Judge of Probate shall be appointed in each District in the same manner as Circuit Judges are, and shall have the same qualifications, and shall hold his office for the term of two years. He shall hold a court in each county at least six times in the year, at such times as the Legislature may prescribe, and shall receive such compensation as may be fixed by law.

Mr. Herbert offered the following as an amendment to the amendment offered by Mr. Peyton:

Amend section 18 by striking out the same and inserting the following:

Sec. 18. The judge of said court shall be elected by the qualified voters of the respective counties for the term of two years, and until his successor shall be elected and qualified, and shall hold his court once in each month.

Which was laid on the table.

Mr. Conley moved to amend as follows:

Strike out the words "and shall have the same qualifications," and insert the words "whose qaalifications shall be regulated by law;"

Which was lost.

Mr. Orr moved to strike out the word "appointed" where it occurs, and insert the word "elected."

Mr. McKee moved to lay the motion on the table;

Which was lost, by the following vote:

Yeas—Messrs. Alcorn, Bridges, Caldwell, Chapman, Dowd, Drane, Johnson A., Leas, Mayson, Musgrove, Morgan, Myers, Mygatt, McKee, Newsom, Ozanne, Peyton E. A., Peyton E. G., Powell, Railsback, Stewart, Stites, Stringer, Toy, Weir, and Yeoman—29.

Nays—Messrs. Alderson, Ballard, Barry, Beam, Bonney, Compton, Elliott John, Elliott James, Field, Fitzhugh, Gaither, Goss, Gray, Handy, Herbert, Howe, Hutto, Johnson S., Kerr, Lack, Lawson, Leonard, Mask, Montgomery, Moore, McCutchen, McKnight, Nelms, Orr, Parsons J. R., Phillips, Richardson, and Stiles—33.

Mr. Montgomery moved to adjourn;

Which was lost.

Previous question called, call not sustained;

And the amendment lies over.

The Convention adjourned to meet to-morrow morning at 9 o'clock.

T. P. Sears,
*Secretary.*

## SEVENTY-FIRST DAY.

JACKSON, MISS., Saturday, March 28th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell Clarke, Combash, Compton, Conley, Dowd, Drane, Elliott John, Elliott James, Field, Gaither, Gibbs, Goss, Gray, Hauser, Hemmingway, Herbert, Holland, Howe, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Kerr, Lawson, Leas, Leonard, Mayson, Mask, Musgrove, Montgomery, Moore, Mygatt, McCutchen, McKee, McKnight, Nelms, Orr, Ozanne, Parsons J. R., Peyton E. A., Peyton E. G , Phillips, Powell, Quinn, Railsback, Richardson, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Vaughan, Walker, Weir, Williams, and Yeoman—70.

The following delegates were absent:

Messrs. Collins, Cunningham, Dalton, Fawn, Handy, Jones, Lack, Longmire, Miles, Morgan, Myers, Neilson, Nesbitt, Newsom, Parsons F., Rainey, Smith, Townsend, Watson, Warren, and Williams—21.

Journal of yesterday read and approved.

The following delegates were granted leaves of absence:

Mr. James Elliott ten days from Monday; Mr. Beam five days; Mr. Lack, five days; Mr. Longmire three days; Mr. Handy three days; Mr. Johnson ten days; Mr. Lawson four days.

Mr. Gibbs offered the following:

*Resolved*, That from and after the 1st day of April, the pay of members be reduced to six dollars per day.

Referred to the committee on Finance.

The report of sub-Committee No. 38 of the Judiciary, was taken up for consideration, and the amendment of Mr. Orr to the amendment of Mr. E. G. Peyton, introduced yesterday to section 18 of Report No. 38.

Mr. Chappell called the previous question, call sustained, and the amendment was lost, by the following vote:

YEAS—Messrs. Ballard, Beam, Conley, Elliott John, Elliott James, Field, Gaither, Gibbs, Goss, Gray, Herbert, Hutto, Johnson S., Mask, Montgomery, McCutchen, McKnight, Nelms, Orr, Parsons J. R., Richardson, Stovall, and Walker—23.

NAYS—Messrs. Alderson, Alcorn, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Dowd, Drane, Fitzhugh, Hemmingway, Holland, Jacobs, Jamison, Johnson A., Kerr, Lawson, Leas, Leonard, Mayson, Musgrove, Moore, Morgan, Mygatt, McKee, Newsom, Ozanne, Peyton E. A., Peyton E. G., Phillips, Powell, Quinn, Railsback, Stewart, Stites, Stringer, Stiles, Toy, Vaughan, Weir, and Yeoman—45.

And the amendment of Mr. E. G. Peyton was adopted, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Dowd, Drane, Fitzhugh, Gibbs, Holland, Jacobs, Jamison, Johnson A., Kerr, Lawson, Leas, Leonard, Mayson, Musgrove, Mygatt, McKee, Newsom, Ozanne, Peyton E. A., Peyton E. G., Powell, Quinn, Railsback, Stewart, Stites, Stringer, Toy, Vaughan, Weir, and Yeoman—41.

Nays—Messrs, Ballard, Beam, Combash, Conley, Elliott John, Elliott James, Field, Gaither, Goss, Gray, Hemmingway, Herbert, Howe, Hutto, Johnson S., Mask, Montgomery, Moore, Morgan, McCutchen, McKnight, Nelms, Orr, Parsons J. R., Phillips, Richardson, Stovall, Stiles, and Walker—29.

Mr. Field offered an additional section, as follows:

Section —. There shall be an attorney at law, in good standing, elected every two years by the voters of the several counties in this State, whose duty it shall be to defend every person against whom any action may be brought, or indictment found, in any county in this State, who will make oath or affirmation that he or she is not worth the sum of five hundred dollars; and the Legislature shall, by law, provide for the payment of said attorney according to the population of the several counties, and the probable labor to be performed by him.

Mr. Gaither moved to lay on the table;

Which was lost, by the following vote:

Yeas—Messrs. Alderson, Ballard, Bonney, Castello, Elliott John, Fitzhugh, Gaither, Goss, Gray, Howe, Leas, Leonard, Morgan, McCutchen, McKee, Peyton E. G., Phillips, Toy, Weir—19.

Nays---Messrs. Alcorn, Barry, Beam, Caldwell, Chapman, Chappell. Combash, Conley, Dowd, Elliott James, Field, Gibbs, Hemmingway, Herbert, Holland, Hutto, Jacobs, Johnson S., Johnson A., Kerr, Lawson, Mayson, Montgomery, Moore, McKnight, Nelms, Newsom, Orr, Ozanne, Parsons J. R., Peyton E. A., Powell, Quinn, Railsback, Richardson, Stewart, Stites, Stovall, Stiles, Williams, Yeoman—41.

Mr. Castello moved to amend by inserting the words "an attorney shall be elected in every precinct in the county."

Mr. Newsom moved to lay on the table;

Which was carried, by the following vote:

Yeas—Messrs. Alcorn, Beam, Caldwell, Chapman, Chappell, Combash, Conley, Cunningham, Dowd, Elliott John, Elliott James, Field, Fitzhugh, Gaither, Gibbs, Goss, Gray, Hemmingway, Herbert, Howe, Hutto, Jacobs, Lawson, Leonard, Mask, Musgrove, Montgomery, McCutchen, McKnight, Nelms, Newsom, Orr, Ozanne, Peyton E. A., Peyton E. G., Phillips, Powell, Quinn, Railsback, Richardson, Stewart, Stites, Stovall, Yeoman—44.

Nays—Messrs. Alderson, Barry, Castello, Holland, Johnson A., Leas, Moore, Morgan, McKee, Parsons J. R., Stiles, Weir, Williams—13.

Mr. Alderson moved to amend by adding the words "and an attorney shall also be elected in each county to prosecute every person in said county worth over five hundred dollars."

Mr. Jacobs moved to lay on the table;

Which was carried, by the following vote:

Yeas—Messrs. Ballard, Caldwell, Chapman, Chappell, Clarke, Combash, Conley, Cunningham, Dowd, Elliott John, Elliott James, Field, Goss, Gray, Hemmingway, Howe, Hutto, Herbert, Jacobs, Jamison, Johnson S., Johnson A., Lawson, Leas, Leonard, Mask, Montgomery, Moore, McKnight, Newsom, Orr, Ozanne, Peyton E. A., Peyton E. G., Phillips, Powell, Quinn, Railsback, Richardson, Stewart, Stites, Stovall, Stiles, Yeoman—44.

Nays—Messrs. Alderson, Alcorn, Barry, Beam, Bonney, Fitzhugh, Gaither, Holland, Jamison, Musgrove, Morgan, McCutchen, Nelms, Parsons J. R., Vaughan, Weir, Williams—17.

Mr. Gaither moved to amend as follows:

That no one worth less than ten thousand dollars shall be taxed to pay said attorney.

Mr. Herbert moved to amend the amendment by inserting after the words "five hundred dollars," the words "that it shall also be the duty of such attorney or lawyer so elected, to attend to the business of the poor before the Probate Court, in representing their cases."

Mr. Clarke moved to indefinitely postpone the section offered by Mr. Field, and the amendment thereto.

Mr. Fitzhugh moved the previous question;

Which was sustained.

And the motion to postpone was carried, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Ballard, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Conley, Cunningham, Dowd, Elliott Jas., Elliott Jno., Field, Gaither, Goss, Holland, Howe, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Kerr, Lawson, Leas, Leonard, Mask, Musgrove, Moore, Morgan, Mygatt, McCutchen, McKee, Newsom, Ozanne, Parsons J. R., Peyton E. A., Peyton E. G., Railsback, Stewart, Stiles, Toy, Vaughan, Walker, Weir, and Yeoman—51.

Nays—Messrs. Gibbs, Gray, Herbert, Mayson, Montgomery, McKnight, Orr, Powell, Richardson, and Stites—10.

Mr. McKee moved to add section 19 of Report No. 31;

Which was carried.

Section 19. The style of all process shall be, "The State of Mississippi;" and all prosecutions shall be carried on in the name and by the authority of the "State of Mississippi," and shall conclude "against the peace and dignity of the same."

Section 20:

Mr. Peyton, of Copiah, moved to add the following additional section:

Section —. The Clerk of the High Court of Errors and Appeals shall be appointed by the said Court, for the term of four years.

Mr. Railsback offered the following amendment:

SECTION —. The Clerk of the High Court of Errors and Appeals shall be appointed by said Court for the term of four years, and the Clerks of the Circuit, Probate, and other inferior courts, shall be elected by the qualified electors of the several counties of their respective districts, and shall hold their office for the term of four years. The Legislature shall provide by law what duties shall be performed by the Clerk of the Probate Court during vacation, subject to the revision and approval of the Probate Judge.

Mr. Chappell moved to strike out the words "High Court of Errors and Appeals," where it occurs, and insert the words "Supreme Court."

Mr. Gibbs moved to adjourn;

Which was lost.

Mr. Fitzhugh moved the previous question;

Which was not sustained.

And the motion of Mr. Chappell lies over.

Convention adjourned until 3 o'clock, P. M.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Chapman, Clarke, Compton, Conley, Dowd, Elliott John, Field, Fitzhugh, Gaither, Gibbs, Gray, Holland, Howe, Hutto, Jacobs, Johnson S., Kerr, Lawson, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Morgan, McCutchen, McKee, McKnight, Nelms, Orr, Parsons J. R., Peyton E. G., Phillips, Powell, Railsback, Richardson, Stewart, Stovall, Toy, Walker, Weir, and Williams—50.

The following delegates were absent:

Messrs. Caldwell, Castello, Chappell, Collins, Combash, Cunningham, Dalton, Drane, Elliott James, Fawn, Goss, Handy, Hauser, Hemmingway, Herbert, Jamison, Johnson A., Jones, Lack, Leas, Miles, Moore, Myers, Mygatt, Neilson, Nesbitt, Newsom, Ozanne, Parsons F., Peyton E. A., Quinn, Rainey, Smith, Stringer, Stiles, Townsend, Vaughan, Watson, Warren, Woodmansee, and Yeoman—41.

Mr. Compton moved to adjourn;

Which wast lost.

The President announced the following special committee to take into consideration the resolution of Mr. Stringer, reported back from Legislative Committee:

Messrs. Morgan, Stringer, and Powell.

Leave of absence was granted to Mr. Castello for ten days.

The motion of Mr. Chappell pending at adjournment, was laid on the table.

Convention adjourned until Monday morning, at 9 o'clock.

T. P. Sears.
*Secretary.*

## SEVENTY-SECOND DAY.

Jackson, Miss., Monday, March 30th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Barry, Ballard, Bridges, Brinson, Caldwell, Chapman, Chappell, Clarke, Combash, Compton, Conley, Cunningham, Dowd, Drane, Elliott John, Fitzhugh, Gaither, Gibbs, Goss, Gray, Hauser, Hemmingway, Herbert, Holland, Howe, Hutto, Jacobs, Jamison, Johnson A., Kerr, Lawson, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Moore, Morgan, McCutchen, McKee, McKnight, Nelms, Newsom, Orr, Ozanne, Parsons J. R., Peyton E. A., Peyton E. G., Phillips, Powell, Quinn, Railsback, Richardson, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Vaughan, Walker, Weir, and Yeoman—67.

The following delegates were absent:

Messrs. Beam, Castello, Collins, Dalton, Elliott Jas., Fawn, Field, Handy, Johnson S., Jones, Lack, Leas, Miles, Myers, Mygatt, Neilson, Nesbitt, Rainey, Smith, Townsend, Watson, Warren, Williams, and Woodmansee—24.

Journal of Saturday was read and approved.

The Committee on Contingent Expenses reported as follows:

Mr. President: The Committee on Contingent Expenses would respectfully report, that the account hereto annexed is correct, and would recommend the same be allowed.

Respectfully,

U. Ozanne,
*Chairman.*
W. H. Gibbs,
J. Railsback,
*Committee.*

*Mississippi Constitutional Convention,*
*To the Journal Office,* Dr.

| | |
|---|---|
| To 321 copies Daily Journal, for twenty-six days @ 5 cents per copy | $417 30 |
| To 25 copies Daily Journal, for ten days @ 5 cents per copy | 12 50 |
| Total | $429 80 |

The certificate of the Sergeant-at-Arms that the above account is correct, is appended to the above.

Report received, and under a suspension of the rules, was adopted, and warrant ordered to be drawn in payment therefor.

Mr. Ballard offered the following:

WHEREAS, There is to be held in this city, on the 31st inst., a Convention composed of delegates from all neighboring States, as well as our own, to take into consideration the best and most practicable means for promoting and inducing capital to the South for the development of its resources, and increasing its material prosperity; therefore, be it

*Resolved*, That in order to show our appreciation of the importance of this movement, and sympathy with its projectors, we tender the delegates to the Convention the use of this hall for their deliberations, and request the *State Journal* and *Daily Clarion* to publish this resolution.

Mr. Weir moved to amend by adding, after the word "deliberation," the words, "that the members and officers of this Convention receive no compensation for the time we thus relinquish the use of this hall for said purpose.

Mr. Stovall moved to amend as follows:

*Provided*, Each delegate acknowledges the political and civil equality of all men.

Mr. Alcorn moved the previous question, which was sustained; and the amendment of Mr. Stovall was lost.

And the amendment of Mr. Weir was lost.

And the resolution of Mr. Ballard was adopted, by the following vote:

YEAS—Messrs. Alcorn, Ballard, Barry, Chapman, Chappell, Clarke, Compton, Conley, Cunningham, Dowd, Field, Gaither, Gibbs, Goss, Gray, Hemmingway, Herbert, Howe, Hutto, Jamison, Johnson A., Kerr, Leonard, Longmire, Mask, Musgrove, Montgomery, Morgan, McCutchen, McKee, McKnight, Nelms, Orr, Ozanne, Phillips, Ruinn, Railsback, Richardson, Stovall, Stiles, Vaughan, and Yeoman—42.

NAYS—Messrs. Alderson, Bonney, Bridges, Brinson, Caldwell, Drane, Elliott John, Fitzhugh, Holland, Lawson, Mayson, Moore, Mygatt, Newsom, Peyton E. A., Powell, Stewart, Stites, Stringer, Toy, and Weir—21.

Mr. Gibbs moved to reconsider the vote just taken.

Mr. Musgrove moved to lay on the table;

Which was lost, by the following vote:

YEAS—Messrs. Alcorn, Ballard, Chapman, Chappell, Compton, Conley, Dowd, Drane, Field, Gaither, Goss, Gray, Hauser, Hemmingway, Howe, Hutto, Kerr, Longmire, Mask, Musgrove, Montgomery, McKee, McKnight, Nelms, Orr, Parsons J. R., Phillips, Railsback, Richardson, Stovall, and Yeoman—31.

NAYS—Messrs. Alderson, Barry, Bonney, Bridges, Caldwell, Clarke, Elliott John, Fitzhugh, Gibbs, Herbert, Holland, Jacobs, Johnson A., Lawson, Leas, Leonard, Mayson, Moore, Morgan, Mygatt, Newsom, Ozanne, Peyton E. A., Peyton E. G., Powell, Quinn, Stewart, Stites, Stringer, Stiles, Toy, and Weir—32.

Mr. Newsom moved the previous question;

Which was not sustained.

And the motion to reconsider lies over.

Mr. Field offered the following:

WHEREAS, Civil government is, or should be instituted for the good of each of its members, so far as is compatible with the common interest, and no further; therefore, any and all acts of incorporation calculated to injure or impede its prosperity, should be null and void when their injurious tendency becomes known to the constituted authorities of a State; and

*Whereas*, The incorporation of a few individuals, to establish and conduct profitable enterprises of any sort, to the exclusion of others, who may have the disposition and ability to prosecute similar business, is calculated to cripple and impair the energies of the people, therefore,

*Be it resolved*, 1. That the Legislature shall pass such general laws, authorizing the organization of corporations for any and all purposes, as the general interest may demand, not incompatible with the preamble of this resolution.

2. That the property of all the corporations looking to the pecuniary interest of the corporators, shall be subject to the same rate of taxation as individual property.

3. That the State shall not become a stockholder in any corporation; shall not assume or pay the debt or liability of any corporation, subject, however, to exception if the exigencies of war should demand a modification.

Which was referred to the committee Legislative Department.

Mr. Ozanne offered the following:

WHEREAS, The reading of newspapers during the hours of the session of this Convention, has had much to do in protracting the session; and

*Whereas*, It is due, through a humane feeling to the Secretary of this Convention, to relieve his lungs, which must eventually suffer from the constant reading of the business before the Convention, whereof two readings should be sufficient; therefore,

*Be it resolved*, That the Sergeant-at-Arms be required to have one of the committee rooms put in order for a reading-room, and whenever a member of this Convention, while it is in session, desires to read newspapers, he shall retire to said room.

Which was laid on the table.

Mr. Fitzhugh offered the following:

*Resolved*, That we hereafter hold but one session per day, which session shall commence at 9 o'clock A. M., and adjourn at 2 o'clock P. M.

*Resolved*, *further*, That this resolution take effect on March 31st, 1868.

Mr. Musgrove moved to table; which was lost.

Mr. Cunningham moved the previous question;

Which was sustained; and the resolution of Mr. Fitzhugh was lost, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Ballard, Barry, Bonney, Bridges, Brinson, Cunningham, Drane, Fitzhugh, Gibbs, Hauser, Herbert, Holland, Jacobs, Jamison, Johnson A., Leas, Leonard, Montgomery, Moore, Morgan, Mygatt, McKnight, Newsom, Orr, Powell, Quinn, Railsback, Stewart, Stites, Stiles, Toy, Weir, Yeoman—35.

NAYS—Messrs. Caldwell, Chapman, Clarke, Conley, Dowd, Elliott John, Field, Gaither, Goss, Gray, Hemmingway, Hutto, Lawson, Longmire, Mayson, Mask, Musgrove, McCutchen, McKee, Nelms, Ozanne, Parsons J. R., Peyton E. A., Peyton E. G., Phillips, Richardson, Stovall, Walker—28.

Mr. Morgan offered the following:

*Resolved*, That on Tuesday, the 31st day of March, this Convention take a recess for three weeks, and reassemble the 21st day of April, next.

A motion to table was carried, by the following vote:

YEAS—Messrs. Alderson, Ballard, Bonney, Brinson, Caldwell, Chapman, Chappell, Clarke, Combash, Conley, Cunningham, Dowd, Drane, Elliott John, Field, Fitzhugh, Gaither, Gibbs, Hauser, Herbert, Holland, Hutto, Jacobs, Jamison, Johnson A., Lawson, Leas, Leonard, Mayson, Musgrove, Moore, McKnight, Newsom, Ozanne, Parsons J. R., Peyton E. A., Peyton E. G., Powell, Quinn, Railsback, Richardson, Stewart, Stites, Stringer, Stiles, Toy, Vaughan, Walker, Weir, Yeoman—50.

NAYS—Messrs. Barry, Bridges, Goss, Gray, Hemmingway, Longmire, Mask, Montgomery, Morgan, Mygatt, McCutchen, McKee, Nelms, Orr, Phillips, Stovall—16.

Mr. Morgan offered the following:

*Resolved*, That on the 31st day of March, this Convention adjourn to reassemble on the 21st day of April, next.

Mr. Cunningham moved to lay on the table;

Which was carried, by the following vote:

YEAS--Messrs. Alderson, Ballard, Bonney, Brinson, Caldwell, Chapman, Chappell, Conley, Cunningham, Elliott John, Fitzhugh, Gibbs, Gray, Hauser, Herbert, Holland, Jacobs, Johnson A., Leas, Mayson, Musgrove, Moore, Mygatt, McKnight, Parsons J. R., Peyton E. A., Peyton E. G., Powell, Quinn, Railsback, Richardson, Stewart, Stites, Stovall, Stiles, Toy, Vaughan, Walker, Yeoman—39.

NAYS—Messrs. Barry, Bridges, Dowd, Drane, Field, Gaither, Goss, Hemmingway, Howe, Jamison, Longmire, Montgomery, Morgan, McCutchen, McKee, Nelms, Orr, Ozanne, Phillips, Stringer, Weir—21.

The Convention resumed the unfinished business of Saturday, viz: the section to the Judiciary report, offered by Mr. Railsback, of Bolivar, which was adopted.

Mr. Herbert moved to amend by striking out the word "four" and inserting the word "two" before the word "years" last mentioned in said amendment.

A motion to table was lost.

The Convention adjourned until 3 o'clock P. M.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Bonney, Brinson, Caldwell, Chapman, Clarke, Combash, Compton, Conley, Dowd, Drane, Elliott John, Fitzhugh, Gaither, Gibbs, Goss, Gray, Hemmingway, Herbert, Holland, Howe, Hutto, Jacobs, Jamison, Johnson A., Lawson, Leas, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Moore, Morgan, Mygatt, McCutchen, McKee, McKnight, Nelms, Newsom, Orr, Parsons J. R., Peyton E. A., Peyton E. G., Phillips, Powell, Quinn, Railsback, Richardson, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Vaughan, Walker, Weir, and Yeoman—64.

The following delegates were absent:

Messrs. Beam, Bridges, Castello, Chappell, Collins, Dalton, Elliott James, Fawn, Field, Handy, Hauser, Johnson S., Jones, Kerr, Lack, Miles, Myers, Neilson, Nesbitt, Ozanne, Parsons F., Rainey, Townsend, Warren, Weir, Williams, Woodmansee—27.

Mr. Conley offered the following amendment to the amendment:

SEC. 20. The Clerk of the High Court of Errors and Appeals shall be appointed by said court for the term of four years; and the Clerk of the Circuit Court and the Clerk of the Probate Court shall be elected by the qualified voters of their several counties, and shall hold their office for the term of two years; the Clerk of the Circuit Court shall be the Clerk of the Chancery Court; and the Legislature shall provide by law what duties shall be performed by the Clerks of the Circuit and Probate Courts during vacation, subject to the approval of the court.

Which was adopted.

And section 20 was adopted as amended, and reads as printed above.

The following was offered as an additional section:

SEC. 21. The qualified electors of each county shall elect five persons by districts, for the term of two years, who shall constitute a Board of Police for each county, a majority of whom may transact business, which body shall have full jurisdiction over roads, ferries, and bridges, and all other matters of County Police, and shall order all county elections, to fill vacancies that may arise in the offices of their respective counties. The Clerk of the Probate Court of each county shall be the Clerk of such Board of County Police.

And the section was adopted, and reads as printed above.

Mr. McKee offered an additional section, as follows:

SEC. 22. No person shall be eligible as a member of said

Board, who shall not have resided one year in the county; but this qualification shall not extend to such new counties as may hereafter be established, until one year after their organization, and all vacancies that may occur in said Board shall be supplied by election as aforesaid, to fill the unexpired term.

And the section was adopted.

Mr. McKee offered the following as an additional section:

Sec. 23. The Judges of all the courts of this State, and also the members of the County Police, shall, by virtue of office, be conservators of the peace, and shall be by law vested with ample powers in that respect.

Mr. Morgan moved to amend as follows:

Insert the word "their," after the word "of," in the fourth line, and the words "and all other civil officers," in the third line after the word "police;"

Which was carried.

And the section was adopted as amended, and reads as follows:

Sec. 24. The Judges of all the courts of this State, and also the members of the County Police, and all other civil officers, shall, by virtue of their offices be conservators of the peace, and shall be by law vested with ample powers in that respect.

Mr. Clarke offered the following as an additional section:

Sec. 25. A competent number of Justices of the Peace, and Constables shall be chosen in each county by the qualified electors thereof by districts, who shall hold their offices for the term of two years. The jurisdiction of Justices of the Peace shall be limited to causes in which the principal of the amount in controversy shall not exceed the sum of fifty dollars. In all causes tried by a Justice of the Peace, the right of appeal shall be secured under such rules and regulations as shall be prescribed by law.

Mr. Peyton, of Copiah, moved to amend as follows:

In the tenth line, add between the words "of" and "fifty," the words "one hundred and."

Mr. Alderson moved to amend by adding "$250," in place of "$150."

Mr. Leas moved to lay on the table;

Which was carried.

And the amendment of Mr. Peyton was adopted.

Mr. John Elliott moved to amend as follows:

Strike out the words "one hundred and fifty," and insert the words "two hundred dollars;"

Which was laid on the table.

And section 24 was adopted as amended, and reads as follows:

Sec. 26. A competent number of Justices of the Peace and Constables, shall be chosen in each county by the qualified electors thereof, by districts, who shall hold their offices for the term of two years. The jurisdiction of Justices of the Peace shall be limited to causes in which the principal of the amount in controversy shall not exceed the sum of one hundred and fifty dollars. In all causes tried by a Justice of the Peace, the right of appeal shall be secured under such rules and regulations as shall be prescribed by law.

Mr. Clarke offered the following as an additional section:

SEC. 27. The Legislature shall, from time to time, establish such other inferior courts as may be necessary, and abolish the same whenever they shall deem it expedient.

Mr. McKee offered the following as an additional section:

SEC. 26. There shall be an Attorney General elected by the qualified electors of the State, and a competent number of District Attorneys shall be elected by the qualified electors of the respective districts, whose term of service shall be four years, and whose compensation shall be prescribed by law.

Mr. Orr moved to amend as follows:

Strike out the word "elected," where it occurs, and insert the word "appointed."

Mr. Peyton, of Copiah, moved to lay the amendment on the table;

Which was carried.

And section 26 was adopted, and reads as above.

Mr. McKee offered the following as an additional section:

SEC. 27. The Legislature shall provide by law for determining contested elections;

Which was adopted.

Mr. Fitzhugh offered the following as an additional section:

SEC. 28. Clerks, Sheriffs, and other county officers, for wilful neglect of duty or misdemeanor in office, shall be liable to presentment or indictment by a grand jury, and trial by petit jury, and upon conviction shall be removed from office.

Which was adopted.

Mr. Alderson offered the following as an additional section:

SEC. 29. All judgments rendered by a Justice of the Peace, shall have the same force and effect as judgements rendered by any other court.

Mr. Gaither moved to amend as follows:

*Provided,* That a judgement of a Justice's court for an amount less than fifty dollars principal debt, shall not operate as a lien upon real estate.

Mr. Herbert moved to indefinitely postpone the section and amendments;

Which was carried.

Mr. Fitzhugh moved to suspend the rules to enable him to make a motion;

Which was lost.

Mr. Orr moved to adjourn until to-morrow morning, at 9 o'clock;

Which was lost.

Mr. Barry moved to reconsider the vote adopting the 18th section, introduced by Mr. E. G. Peyton, and adopted on Saturday.

The motion to reconsider prevailed, and Mr. Conley offered the following:

SEC. 18. The Legislatnre shall divide the State into a convenient number of Probate Districts, to be composed of not more than four counties. The Judges of Probate Courts shall be appointed in the same manner as the Judges of the Circuit Courts; and their qualifications shall be regulated by law. They shall hold their office for the term of four years. They shall hold a court in each county at least six times in each year, and shall receive such compensation as may be provided by law.

Mr. Gaither moved to amend by striking out the word "appointed," where it occurs, and insert the word "elected;"

Which was laid on the table.

Mr. Richardson moved to adjourn;

Which was lost.

Mr. Railsback moved to strike out the words "six times each year," and insert the word "four."

Mr. McKee moved the previous question;

Which was sustained.

And the amendment of Mr. Railsback was lost.

And the amendment of Mr. Conley was adopted.

And section 18 was adopted as amended, and reads as follows:

SEC. 18. The Legislature shall divide the State into a convenient number of Probate Districts, to be composed of not more than four counties. The Judges of Probate Courts shall be appointed in the same manner as the Judges of the Circuit Courts. Their qualifications shall be regulated by law, and they shall hold their office for the term of four years. They shall hold a court in each county at least six times in each year, and shall receive such compensation as may be provided by law.

Mr. Clarke moved to print 200 copies of the Judiciary Report as adopted.

Mr. Morgan moved to amend by inserting "100" instead of "200."

Mr. Compton moved to amend by inserting "250" instead of "200."

And the amendment, and the amendment thereto, were laid on the table.

And the motion of Mr. Clarke was lost.

Mr. Leas moved that the rules be suspended that the Judiciary Report might be put on its third reading after the 16th section.

Mr. Combash moved to lay the motion on the table;

Which was carried.

Convention adjourned until 9 o'clock, to-morrow morning.

T. P. SEARS,
*Secretary.*

## SEVENTY-THIRD DAY.

JACKSON, MISS., Tuesday, March 31st, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Bonney, Bridges, Brinson, Caldwell, Chapman, Chappell, Clarke, Combash, Compton, Conley, Dowd, Drane, Elliott John, Field, Fitzhugh, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Hemmingway, Herbert, Howe, Holland, Hutto, Jacobs, Jamison, Johnson A., Kerr, Lawson, Leas, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Moore, Morgan, Mygatt, McCutchen, McKee, McKnight, Nelms, Newsom, Orr, Ozanne, Peyton E. A., Peyton E. G., Phillips, Powell, Quinn, Railsback, Richardson, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Vaughan, Walker, Weir, and Yeoman—70.

The following delegates were absent:

Messrs. Beam, Castello, Collins, Cunningham, Dalton, Elliott James, Fawn, Johnson S., Jones, Lack, Miles, Myers, Neilson, Nesbitt, Parsons F., Parsons J. R., Rainey, Smith, Townsend, Watson, Warren, Williams, and Woodmansee—23.

Journal of yesterday read and approved.

Leaves of absence were granted to the following delegates: Mr. Kerr, for five days; Mr. Bridges, for two days; Mr. Richardson, for two days; Mr. Fitzhugh, for three days; Mr. Fawn, for five days.

Special Committee on County Boundaries submitted the following report;

Mr. Hauser moved that the reading of the report be dispensed with.

Mr. Gibbs moved to table the motion;

Which was carried.

*To the President and Members of the Mississippi Constitutional Convention :*

GENTLEMEN—Your committee on County Boundaries most respectfully submit the following report, viz:

*Be it ordained,* That a new county named Crawford county, shall be and the same is hereby established, with the following boundaries, viz: Beginning at the southeast corner of township sixteen, range nineteen, running west, with the township line, to the southwest corner of township sixteen, range fifteen; thence north, with the range line, to the northwest corner of section thirty, township eighteen, range fifteen; thence east, with the section line between sections thirty and nineteen, to McGower creek; thence following the meanderings of said creek to its junction with the Tombigbee river; thence following the meanderings of said river to the State line; thence with said State line to the beginning.

*And be it further ordained,* That a new county which shall be called Columbia county, be and the same is hereby established, with the following boundaries, viz: All that portion of Tishomingo county, situated and lying south of a line beginning at the southwest corner of section seven, township four, range six, on the western boundary line of said county; and running thence east, with the said section line, between sections seven and eighteen, to the eastern boundary of said county of Tishomingo.

*Be it further ordained,* That the county site of said county of Columbia be and is hereby located in the town of Booneville, in said couty; and that the county site of Tishomingo county be and the same is hereby located in the city of Corinth, in said county; *Provided,* That the said city of Corinth shall donate and deed the buildings on the Public Square in said city to the said Tishomingo county for a court-house.

*Be it further ordained,* That the Board of Police of Tishomingo county is hereby authorized and directed to sell the public buildings now belonging to said Tishomingo county, situated at Jacinto, and pay the same over to the Board of Police of Columbia county, to enable said Columbia county to pay for their public or county buildings.

*Be it further ordained,* That a new county to be called Culpepper county be and the same is hereby established, with the following boundaries, viz: Beginning at the northest corner of township eight, range nine, and running thence south, with the range line, to the southeast corner of section thirteen, township five, range nine; and running thence west, with the section line between section thirteen and section twenty-four, to the southwest corner of section eighteen, township five, range six; thence north, with the range line to the northwest corner of township eight, range six; thence east, with the township line, to the place or point of beginning; the same containing six hundred and twenty square miles, be the same more or less.

*And be it further ordained,* That the county site of said Culpepper county shall be located in the town of Brookhaven in said county.

*And be it further ordained,* That the boundary line between Coahoma and Tunica counties be established as follows, viz.: Beginning at a point on the Mississippi river where the south boundary of township thirty, range four, west, intersects said river, running east with the south boundary of township thirty to the Chickasaw survey; thence east on the south boundary of township seven, to the middle of range nine, west; thence north through the middle of range nine, to the north boundary of township three; thence west along said north boundary of township three, to the Mississippi river; thence down the east bank of said river, to the beginning. All that portion of

Tunica county detached by this ordinance shall be added to and constitute a portion of Coahoma county.

*Be it further ordained*, That a new county, which shall be called Clay county, shall be, and the same is hereby established, with the following boundaries, viz.: Embracing townships twelve, thirteen, fourteen, and fifteen, range 5; townships twelve, thirteen, fourteen, fifteen, and part of sixteen, range four; also, east half of townships twelve, thirteen, fourteen, fifteen, and sixteen, range three; west half of township fifteen, range six, and township sixteen, range six.

*Be it further ordained*, That in constituting the aforesaid county of Clay, the county boundaries of Carroll county shall remain intact.

*Be it further ordained*, That the county site of said Clay county shall be situate and located in the town of Durant.

A. S. Dowd,
*Chairman.*
W. H. Gibbs,
H. W. Barry,
H. Mask.
*Committee.*

Mr. Clarke moved to receive the report and print two hundred copies.

Mr. Orr moved to amend by substituting the words "one hundred" for the words "two hundred;"

Which was carried.

And the motion of Mr. Clarke, as amended, was carried.

Mr. Orr moved to suspend the rules so that when the Convention adjourn it be until to-morrow morning, at 9 o'clock;

Which was carried, by the following vote:

Yeas—Messrs. Alcorn, Ballard, Barry, Bonney, Bridges, Brinson, Chapman, Chappell, Combash, Compton, Conley, Dowd, Drane, Elliott John, Field, Gaither, Goss, Gray, Hauser, Hemmingway, Herbert, Howe, Hutto, Jacobs, Jamison, Kerr, Leas, Longmire, Mask, Musgrove, Montgomery, Moore, Morgan, Mygatt, McCutchen, McKee, Nelms, Orr, Ozanne, Parsons J. R., Phillips, Quinn, Railsback, Richardson, Stites, Stovall, Stringer, Stiles, Vaughan, Walker, and Yeoman—51.

Nays—Messrs. Alderson, Caldwell, Clarke, Fitzhugh, Gibbs, Handy, Holland, Johnson A., Lawson, Leonard, Mayson, Newsom, Peyton E. A., Peyton E. G., Stewart, Toy, and Weir—17.

Mr. Orr moved to adjourn;

Which was carried, by the following vote:

Yeas—Messrs. Alcorn, Ballard, Bonney, Chapman, Chappell, Clarke, Combash, Compton, Conley, Dowd, Drane, Elliott John, Field, Gaither, Goss, Gray, Hauser, Hemmingway, Herbert, Howe, Hutto, Jacobs, Jamison, Kerr, Leas, Leonard, Longmire, Mask, Montgomery, Mygatt, McCutchen, McKee, McKnight, Nelms, Orr, Ozanne, Phillips, Quinn, Railsback, Richardson, Stewart, Stites, Stovall, Stringer, Stiles, Vaughan, Walker, and Yeoman—48.

Nays—Messrs. Alderson, Barry, Bridges, Brinson, Caldwell, Fitzhugh, Gibbs, Handy, Holland, Johnson A., Lawson, Mayson, Musgrove, Moore, Morgan, Newsom, Peyton E. A., Peyton E. G., Powell, Toy, and Weir—21.

The Convention adjourned until to-morrow morning at 9 o'clock.

T. P. Sears,
*Secretary.*

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## SEVENTY-FOURTH DAY.

Jackson, Miss., Wednesday April 1st, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Bonney, Brinson, Caldwell, Chapman, Chappell, Clarke, Combash, Compton, Conley, Cunningham, Dowd, Drane, Elliott John, Field, Gaither, Gibbs, Goss, Gray, Hauser, Hemmingway, Herbert, Holland, Howe, Hutto, Jacobs, Jamison, Johnson A., Kerr, Lawson, Leas, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Moore, Morgan, Myers, Mygatt, McCutchen, McKee, McKnight, Neilson, Nelms, Newsom, Orr, Ozanne, Parsons J. R., Peyton E. A., Peyton E. G., Powell, Quinn, Railsback, Stewart, Stites, Stovall, Stringer, Toy, Vaughan, Walker, Weir, Woodmansee, and Yeoman—69.

The following delegates were absent:

Messrs. Beams, Bridges, Castello, Collins, Dalton, Elliott James, Fawn, Fitzhugh, Handy, Johnson S., Jones, Lack, Miles, Nesbitt, Parsons F., Phillips, Richardson, Smith, Stiles, Townsend, Watson, Warren, and Williams—24.

Journal of yesterday read and approved.

Leaves of absence were granted to Mr. Warren for one day; to Mr. Miles for five days.

Mr. Clarke moved that 150 copies of the Report of the Judiciary Committee be printed;

Which was carried.

The Legislative Report was taken up, and put upon its third reading.

Sections 1, 2, 3, 4, 5, 6, and 7, were adopted as printed, and reads as follows:

## LEGISLATIVE DEPARTMENT.

### ARTICLE 3.

Section. 1. The Legislative power of this State shall be vested in the Legislature, which shall consist of a Senate and House of Representatives.

Sec. 2. The House of Representatives shall consist of members to be chosen every second year by the qualified electors of the several counties.

Sec. 3. No person shall be a member of the House of Representatives who shall not be an elector under this Constitution; and who shall not, at the time of his election, have an actual residence in the district he may be chosen to represent.

Sec. 4. The Senate shall consist of members to be chosen every four years by qualified electors of the several districts.

Sec. 5. No person shall be a Senator who shall not have attained the age of twenty-five years, who shall not have been an inhabitant of the State one year, and who shall not have an actual residence in the district he may be chosen to represent.

Sec. 6. The political year shall begin on the first day of January, and the Legislature shall meet annually on the first Tuesday in January, at the seat of government, unless sooner convened by the Governor, until altered by law.

Sec. 7. All general elections shall be by ballot, and shall commence and be holden every two years, on the first Tuesday in November, until altered by law; and the electors, in all cases except in cases of treason, felony, and breach of the peace, shall be privileged from arrest during their attendance on elections, and in going to and returning therefrom.

The Convention resolved itself into Committee of the Whole, Mr. Weir, of Oktibbeha, in the Chair, for the consideration of the remaining sections of the Legislative report.

The Committee rose, and, through their Chairman, reported the following sections as having been adopted in Committee; asked the concurrence of the Convention, and leave to sit again.

Report agreed to.

The sections read as follows:

Sec. 8. Elections for members of the Legislature shall be held in the several counties and districts.

Sec. 9. The Governor shall issue writs of election to fill such vacancies as shall occur in either house of the Legislature, and the persons thereupon chosen shall hold their seats as long as those in whose stead they are elected might have done if such vacancies had not happened.

Sec. 10. No person holding any civil office of profit under this State or the United States, shall be a Senator or Representative.

Sec. 11. Each house shall appoint its own officers, and shall judge of the qualifications, returns and election of its own members.

Sec. 12. The Senate shall choose a President *pro tempore*, to act in the absence or disability of the Lieutenant Governor.

Sec. 13. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner, and under such penalties, as each house shall provide.

Sec. 14. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 15. Each house may determine rules of its own proceedings, punish its members for disorderly behavior; and with the concurrence of two thirds of the members present, expel a member; but no member shall be expelled a second time for the same offense. They shall each, from time to time, publish a Journal of the proceedings, except such parts as may, in their opinion, require secrecy, and the yeas and nays on any question shall be entered on the Journal at the request of one-tenth of the members present.

SEC. 16. The doors of each house, when in session, or in Committee of the Whole, shall be kept open, except in cases which may require secrecy; and each house may punish, by fine and imprisonment, any person not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in their presence, or in any way disturb their deliberations during the session; but such imprisonment shall not extend beyond the final adjournment of that session.

SEC. 17. No person who now is, or shall be hereafter, a collector or holder of public money, nor any assistant or deputy of such holder or collector of public money, shall be eligible to a seat in either house of the Legislature, nor to any office of profit or trust, until he shall have accounted for and paid over all sums for which he may have been liable.

SEC. 18. The Legislature shall exclude from every office of trust and profit, and from the right of suffrage, within this State, all persons convicted of bribery, perjury, or other infamous crimes.

SEC. 19. every person who shall have been convicted of directly or indirectly giving or offering any bribe to procure his election or appointment, and any person who shall give or offer any bribe to procure the election or appointment of any person, shall, on conviction thereof, be disqualified from being an elector, or holding any office of trust or profit under the laws of this State.

SEC. 20. The Senators and Representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the Legislature, and for fifteen days before the commencement and after the termination of each session.

SEC. 21. The members of the Legislature shall, severally, receive from the public Treasury compensation for their services, which may be increased or diminished; but no alteration of such compensation of members shall take effect during the session at which it is made.

SEC. 22. The Legislature shall direct, by law, in what courts, and in what manner, suits may be commenced against the State.

SEC. 23. The Legislature shall not have power to pass any bill of divorce; but may prescribe, by law, the manner in which cases shall be investigated in the courts of justice, and divorces granted.

Sec. 24. Bills may originate in either house, and be amended or rejected in the other; and every bill shall be read on three different days, in each house, unless two-thirds of the house, where the same is pending, shall dispense with the rules; and every bill having passed both houses, shall be signed by the President of the Senate and the Speaker of the House of Representatives, in open session.

Sec. 25. Every bill which shall have passed both houses, shall be presented to the Governor. If he approves, he shall sign it, but if he shall not approve, he shall return it with his objections thereto, to the house in which it shall have originated, who shall enter the objections at large upon their Journal, and proceed to reconsider them. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent with the objections, to the other house, by which likewise, it shall be considered, and if approved by two-thirds of that house, it shall be a law; but in such cases the votes of both houses shall be determined by yeas and nays, and the names of persons voting for or against the bill, shall be entered on the Journals by each house respectively. If any bill shall not he returned by the Governor within five days (Sundays excepted), after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the Legislature, by their adjournment, prevented its return, in which case it shall be a law, unless sent back within three days after their next meeting.

Sec. 26. Every order, resolution or vote, to which the concurrence of both houses may be necessary (except on questions of adjournment), shall be presented to the Governor, and before it shall take effect, be approved by him, or, being disapproved, shall be repassed by two-thirds of both houses, according to the rules of limitation prescribed in all cases of a bill.

Sec. 27. No money shall be drawn from the Treasury but in consequence of appropriations made by law.

Sec. 28. The House of Representatives shall have the sole power of impeachment, but two-thirds of the members must concur therein. All impeachments shall be tried by the Senate, and when sitting for that purpose, the Senators shall be upon oath or affirmation to do justice according to the law and evidence.

Sec. 29. The Governor and all other civil officers under this State, shall be liable to impeachment for treason, bribery, or any high crime or misdemeanor in office.

Sec. 30. When the Governor shall be tried, the Chief Justice of the High Court of Errors and Appeals shall preside, and no person shall be convicted without the concurrence of two-thirds of all the Senators.

Sec. 31. Judgment in such cases shall not extend further than removal from office, and disqualification to hold any office of honor, trust, or profit under this State; but the party convicted shall, nevertheless, be subject to indictment, trial, judgment, and punishment according to law.

Sec. 32. For reasonable cause, which shall not be sufficient ground for impeachment, the Governor shall, on the joint address of two-thirds of each branch of the Legislature, remove from office the Judges of the Supreme and Inferior Courts; *Provided*, The cause or causes of removal be spread on the Journal, and the party charged be notified of the same before the vote is finally taken and decided, and shall have an opportunity to be heard by himself or counsel, or both.

Sec. 33. The style of the laws of the State shall be, "Be it enacted by the Legislature of the State of Mississippi."

Sec. 34. The Legislature shall provide for the enumeration of the whole number of inhabitants, and of the qualified electors of the State, once in every ten years; and the first enumeration shall be ordered at the first meeting of the Legislature under this Constitution.

Sec. 35. The number of representatives shall, at the several periods of making such enumeration, be apportioned among the several counties, or districts, according to the number of qualified electors in each, and shall not be less than one hundred, nor more than one hundred and twenty.

On motion, the Convention adjourned until 3 o'clock P. M.

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Bonney, Bridges, Brinson, Caldwell, Chapman, Combash, Conley, Cunningham, Dowd, Elliott John, Fawn, Field, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Herbert, Howe, Holland, Hutto, Jacobs, Jamison, Johnson A., Lawson, Leas, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Moore, Myers, Mygatt, McCutchen, McKee, McKnight, Nelms, Orr, Ozanne, Parsons J. R., Peyton E. A., Peyton E. G., Powell, Quinn, Railsback, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Vaughan, Walker, Weir, Woodmansee, and Yeoman—64.

The following delegates were absent:

Messrs. Beam, Castello, Chappell, Clarke, Collins, Compton, Dalton, Drane, Elliott James, Fitzhugh, Hemmingway, Johnson S., Jones, Kerr, Lack, Miles, Morgan, Neilson, Nesbitt, Newsom, Parsons F., Phillips, Rainey, Richardson, Smith, Townsend, Watson, Warren, and Williams—29.

Mr. Alderson moved to suspend the rules to take action on the report of the special committee on tax ordinance;

Which was lost.

The Convention resumed the consideration of the Legislative report.

Mr. Barry moved to reconsider the action adopting the report of the Committee of the Whole, so far as relates to section 15;

Which was carried.

Mr. Barry moved that the Convention go into the Committee of the Whole for the consideration of the Legislative report;

Which was carried.

The Convention went into the Committee of the Whole, and after certain action had therein, rose, and through their chairman, Mr. Field, reported their action as follows, and recommended its adoption:

Amend section 15 by adding the following proviso:

*Provided*, That the yeas and nays shall always be entered on the Journal on the passage of a bill appropriating money.

The committee further recommend the adoption of sections 36 and 37 as printed, which read as follows:

SEC. 36. The number of Senators shall, upon each enumeration made, be apportioned according to the number of qualified electors in the several districts, and shall never be less than one-fourth, nor more than one-third the whole number of Representatives.

SEC. 37. Until the first enumeration and a new apportionment shall be made as provided and directed in this Constitution, the apportionment of Senators and Representatives among the several counties and districts in the State, shall be as follows:

1st. The county of Warren, five Representatives.

2d. The counties of Hinds and Lowndes, each four Representatives.

3d. The counties of Adams, Carroll, DeSoto, Holmes, Madison, Marshall, Monroe, Noxubee, Washington, and Yazoo, each three Representatives.

4th. The counties of Attala, Chickasaw, Choctaw, Claiborne, Copiah, Jefferson, Lafayette, Lauderdale, Lee, Oktibbeha, Panola, Tippah, Wilkinson, Yalobusha, Tishomingo, and Rankin, each two Representatives.

5th. The counties of Amite, Bolivar, Calhoun, Clarke, Franklin, Issaquena, Itawamba, Jasper, Kemper, Lawrence, Leake, Pontotoc, Pike, Sunflower, Scott, Tallahatchie, Winston, Simpson, Coahoma, Tunica, Newton, Neshoba, Covington, Smith, Wayne, Davis, Greene, Jackson, Hancock, Marion, Harrison, and Perry, each one Representative.

Report received and adopted.

Mr. McKee moved the adoption of section 38 as printed.

Mr. Musgrove moved to adopt section 38 as amended in Committee of the Whole.

Mr. McKee moved to lay the motion on the table;

Which was lost.

Mr. Gibbs moved the previous question;

Which was sustained.

The amendment of Mr. Musgrove was lost.

And the motion of Mr. McKee was adopted.

And section 38 reads as follows:

SECTION 38: 1st. The counties of Hancock, Harrison, Jackson, Marion, Greene, and Perry, shall form the First District, and elect one Senator.

2d. The counties of Wilkinson and Amite, the Second District, and one Senator.

3d. The counties of Pike, Lawrence, and Covington, the Third District, and one Senator.

4th. The county of Adams, the Fourth District, and one Senator.

5th. The counties of Franklin, and Jefferson, the Fifth District, and one Senator.

6th. The counties of Claiborne and Copiah, the Sixth District, and one Senator.

7th. The counties of Warren and Issaquena, the Seventh District, and two Senators.

8th. The counties of Hinds, Rankin, and Simpson, the Eighth District, and two Senators.

9th. The counties of Davis, Jasper, Clarke, and Wayne, the Ninth District, and one Senator.

10th. The counties of Lauderdale and Kemper, the Tenth District, and one Senator.

11th. The counties of Newton, Smith, and Scott, the Eleventh District, and one Senator.

12th. The county of Madison, the Twelfth District, and one Senator.

13th. The county of Yazoo, the Thirteenth District, and one Senator.

14th. The counties of Washington and Sunflower, the Fourteenth District, and one Senator.

15th. The county of Holmes, the Fifteenth District, and one Senator.

16th. The counties of Attala, Leake, and Neshoba, the Sixteenth District, and one Senator.

17th. The county of Noxubee, the Seventeenth District and one Senator.

18th. The counties of Lowndes and Oktibbeha, the Eighteenth District, and two Senators.

19th. The counties of Choctaw and Winston, the Nineteenth District, and one Senator.

20th. The county of Carroll, the Twentieth District, and one Senator.

21st. The counties of Calhoun and Yalobusha, the Twenty-first District, and one Senator.

22d. The counties of Chickasaw and Monroe, the Twenty-second District, and two Senators.

23d. The counties of Bolivar, Coahoma, and Tunica, the Twenty-third District, and one Senator.

24th. The counties of Panola and Tallahatchie, the Twenty-fourth District, and one Senator.

25th. The county of DeSoto, the Twenty-fifth District, and one Senator.

26th. The county of Marshall, the Twenty-sixth District, and one Senator.

27th. The counties of Lafayette and Pontotoc, the Twenty-seventh District, and one Senator.

28th. The counties of Tishomingo and Itawamba, the Twenty-eighth District, and one Senator.

29th. The counties of Tippah and Lee, the Twenty-ninth District, and one Senator.

Section 39 was adopted as printed, and reads as follows:

Sec. 39. The Senators, on being convened in consequence of the first election, shall be divided, by lot, from their respective districts, into two classes, as nearly equal as can be, and the seats of the first class shall be vacated at the expiration of the second year.

Section 40 was adopted as printed, and reads as follows:

Sec. 40. The Legislature shall provide for the organization of new counties, locating county seats, and changing county lines; but no county shall be organized, nor the lines of any county changed so as to include an area of less than four hundred, nor more than six hundred and twenty-five square miles.

Section 41 was adopted as printed, and reads as follows:

Sec. 41. No Senator or Representative, during the term for which he was elected, shall be appointed to any office of profit under this State, which shall have been created, or the emoluments of which have been increased during the time such Senator or Representative was in office, except to such offices as may be filled by an election of the people.

Section 42 was lost.

Mr. Cunningham moved to adopt the report as a whole, upon its third reading, and refer it to the committee on Form and Arrangement;

Which was carried.

Convention adjourned until to-morrow morning, at 9 o'clock,

T. P. Sears,
*Secretary.*

## SEVENTY-FIFTH DAY.

Jackson, Miss., Thursday, April 2d, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Bonney, Brinson, Caldwell, Chapman, Chappell, Clarke, Combash, Conley, Cunningham, Dowd, Elliott John, Fawn, Field, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Hemmingway, Herbert, Howe, Holland, Hutto, Jacobs, Jamison, Johnson A., Lawson, Leas, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Morgan, Myers, Mygatt, McCutchen, McKee, McKnight, Neilson, Nelms, Nesbitt, Newsom, Orr, Ozanne, Parsons J. R., Peyton E. A., Peyton E. G., Phillips, Powell, Quinn, Railsback, Stewart, Stites, Stovall, Stringer, Toy, Vaughan, Walker, Warren, Weir, Woodmansee, Yeoman—71.

The following delegates were absent:

Messrs. Beam, Bridges, Castello, Collins, Compton, Dalton, Drane, Elliott James, Fitzhugh, Johnson S., Jones, Kerr, Lack, Miles, Parsons F., Rainey, Richardson, Smith, Stiles, Townsend, Watson, and Williams—22.

Journal of yesterday read and approved.

Mr. Alcorn of Yalobusha, moved, to suspend the rules, to enable him to introduce a resolution;

Which was carried.

And Mr. Alcorn introduced the following:

*Resolved*, That hereafter we have but one session each day, to continue from 9 o'clock, A. M., to 1 o'clock, P. M.

Mr. Alderson moved to amend as follows:

Hereafter, this Convention shall hold but one session each day, and shall meet at 9 o'clock, A. M., and shall not adjourn before 1 o'clock, P. M.

Mr. Hutto introduced the following, as an amendment:

*Provided*, The per diem of each delegate to this Convention be reduced to five dollars per day, for the remainder of the session.

A motion to table the above was carried, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Barry, Bonney, Brinson, Caldwell, Chapman, Combash, Elliott John, Fawn, Gibbs, Handy, Hauser, Herbert, Holland, Jacobs, Jamison, Johnson A., Lawson, Leas, Morgan, Myers, Mygatt, McKnight, Newsom, Orr, Ozanne, Parsons J. R., Peyton E. A., Powell, Stewart, Stites, Stovall, Stringer, Toy, Vaughan, and Woodmansee—37.

NAYS—Messrs. Ballard, Conley, Cunningham, Dowd, Gaither, Goss, Gray, Hemmingway, Howe, Hutto, Mayson, Mask, Musgrove, Montgomery, McCutchen, McKee, Neilson, Nelms, Peyton E. G., Phillips, Railsback, Walker, Warren, Weir, and Yeoman—25.

Mr. Hemmingway offered the following, as an amendment to the amendment:

*Provided*, That the Convention meet at 9 o'clock, A. M., and adjourn at 8 o'clock, P. M.

Previous question called; call sustained.

And the amendment to the amendment was lost;

And the amendment of Mr. Alderson was adopted, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Barry, Bonney, Brinson, Caldwell, Chapman, Combash, Cunningham, Dowd, Fawn, Gibbs, Goss, Handy, Hauser, Herbert, Holland, Jacobs, Jamison, Johnson A., Leas, Morgan, Myers, Mygatt, McKnight, Newsom, Orr, Ozanne, Peyton E. A., Peyton E. G., Powell, Quinn, Stewart, Stites, Toy, Vaughan, Weir, Woodmansee, Yeoman—39.

NAYS—Messrs. Ballard, Conley, Elliott John, Gaither, Hemmingway, Howe, Hutto, Lawson, Longmire, Mayson, Mask, Musgrove, Montgomery, McCutchen, McKee, Neilson, Nelms, Phillips, Railsback, Walker, Warren—21.

And the resolution of Mr. Alcorn, as amended, was lost, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Barry, Bonney, Brinson, Caldwell, Chapman, Combash, Cunningham, Dowd, Fawn, Gibbs, Handy, Hauser, Herbert, Holland, Jacobs, Jamison, Johnson A., Leas, Leonard, Morgan, Myers, Mygatt, McKnight, Newsom, Orr, Ozanne, Peyton E. A., Peyton E. G., Powell, Quinn, Stewart, Stites, Toy, Vaughan, Weir, Woodmansee, Yeoman—39.

NAYS—Messrs. Ballard, Conley, Gaither, Goss, Hemmingway, Howe, Hutto, Lawson, Longmire, Mayson, Mask, Musgrove, Montgomery, McCutchen, McKee, Neilson, Nelms, Phillips, Railsback, Warren—20.

The Chair ruled that a two-thirds vote is required to change a rule under a resolution.

Mr. Orr appealed from the decision of the Chair.

The Chair was not sustained, and the resolution of Mr. Alcorn declared to be adopted.

Mr. Morgan moved to reconsider the vote just taken upon the resolution of Mr. Alcorn.

Mr. Orr moved to indefinitely postpone the motion to reconsider.

Mr. Gibbs moved the previous question;

Which was not sustained; and the subject lies over.

*To the President and members of Constitutional Convention:*

The Select Committee, to whom was referred the motion of Mr. Parsons, of Adams, to strike from the Journal or this Convention a certain resolution therein mentioned, together with all the proceedings had thereon; and to whom was also referred a proposition offered by Mr. Gaither, of Lee, to be entitled "an ordinance supplemental to, and explanatory of, an ordinance passed by this Convention on the 27th February, 1868, to provide for the levy and collection of a special tax to pay the expenses of this Convention," beg leave to state that they, the said committee, have had the same under consideration, and in view of the numerous revenue acts and supplemental acts heretofore passed by the Legislature of this State, in which there are included numerous subjects of taxation, and exemptions from taxation; and inasmuch as a serious misunderstanding exists as to what are legitimate subjects of taxation and what is exempt therefrom, and in order, to prevent all further confusion upon the subject, and to make the system adopted by this Convention uniform, and just on all tax payers throughout the State, your committee would further beg leave to state that, in their opinion, the motion to strike from the Journal, etc., aforesaid, ought to be sustained; and they recommend that the resolution included therein, together with the proceedings had thereon, be stricken from the Journal accordingly; and instead of the proposed ordinance so offered as aforesaid, your committee would still further beg leave to report the following, to be entitled an ordinance supplemental to the aforesaid ordinance adopted on the said 27th day of February, 1868, and recommend its adoption by this Convention, viz:

SECTION 1. *Be it ordained by the delegates of the people of the State of Mississippi, in Convention assembled*, That any person, being a house keeper or head of family, who is the owner of property, real and personal, not worth, at a fair and reasonable valuation, more than the sum of —— dollars, including all just claims against solvent debtors, and who shall make affidavit to the same, shall in nowise be subject to the provisions of the aforesaid ordinance, so as aforesaid adopted on the 27th day of February, 1868; and the property so included in the scope of said valuation and affidavit, shall not be liable to the taxes aforesaid for the purpose aforesaid; but that all property, real and personal, within this State, owned by any person who, according to a like valuation, is worth more than said sum of ——— dollars, shall be considered and held by the Sheriffs and Tax Collectors of the respective counties of this State as being clearly and fully within the purview and meaning of said last mentioned ordinance; and it shall be their duty, respectively, to collect the taxes thereon, and pay the same into the treasury as therein required.

SEC. 2. *Be it further ordained*, That the affidavit aforesaid may be made before the Sheriff and Tax Collector, his duly appointed deputy, or any other lawful officer authorized by law to administer oaths. And if any affidavit made as aforesaid shall contain any false statement therein, the party so as aforesaid making the same, shall be deemed and held guilty of the odious crime of perjury, and on conviction thereof, before a proper tribunal, shall be liable lo all the pains, penalties, and disabilities thereunto annexed, and shall be punished accordingly.

SEC 3. *Be it further ordained*, That each and every housekeeper or head of a family in this State, shall be entitled to own and to hold, free and exempt from taxation for the purpose of defraying the expenses of this Convention, six months' provisions of any and every kind, for the use of him or herself and family, including hands employed, and the necessary animals used in gardening, or carrying on plantation business; and these aforesaid provisions, together with the property, real and personal, not worth more than the sum of ——— dollars, according to the valuation provided for in section 1 of this ordinance, and embraced in the affidavit therein required, shall constitute the only and all of the exemptions from taxation under this ordinance, and the ordinance to which this is supplementary.

SEC. 4. *Be it further ordained*, That if any Sheriff and Tax Collector shall have collected any tax whatever contrary to the provisions of this ordinance, he shall, on demand, refund the same to the proper person so having paid the same; and that this ordinance shall take effect and be in force from and after its adoption.

Respectfully submitted,

JAMES L. HERBERT,
*Chairman.*

### MINORITY REPORT.

WHEREAS, Doubts have arisen as to the true construction of the Tax Ordinance; therefore, be it

*Resolved*, That the true intent and meaning thereof is, that personal property which is exempted by the laws in force on the 9th of January, 1861, from sale under execution, and from payment of taxes, shall not be taxed under the second section of said ordinance.

Majority and minority reports received.

Mr. Cunningham, of Madison, moved to adopt the minority report.

Mr. Musgrove, of Clarke, submitted the following:

*Be it ordained by the people of the State of Mississippi, in Convention assembled*, That two hundred dollars worth of personal property belonging to the head of each family in this State, be, and the same is hereby declared exempt from taxation under the Tax Ordinance of this Convention, passed on the 27th day of February, 1868.

Mr. Weir moved to lay the whole subject on the table;

Which was carried.

Mr. Alderson moved to reconsider the vote just taken.

Mr. Orr moved the previous question;

Which was sustained.

And the motion to reconsider was lost.

Mr. Stiles introduced the following:

The Legislature, at its next regular session, is directed to make compensation to those who have been deprived of their rightful inheritance on the plea that they possessed no heritable blood.

Referred to the committee on Legislative Department.

Mr. Orr, of Harrison, offered the following:

*Resolved*, That the proprietors of the *Mississippi Pilot* be, and are hereby authorized to publish daily, in said paper, the official proceedings of this Convention, commencing with the seventy-third day, to be paid for at the same rate allowed the Official Printer.

Mr. Orr moved to suspend the rules to take action on the above resolution.

Mr. Stovall moved to amend the resolution introduced by Mr. Orr, as follows:

*Provided*, That the said newspaper, *Mississippi Pilot* be, and the same shall be the Official Journal of this Convention from and after the second day of April, 1868.

A motion to lay on the table was lost.

And the amendment of Mr. Stovall was lost, by the following vote:

YEAS—Messrs. Bonney, Brinson, Elliott John, Gibbs, Gray, Hauser, Nesbitt, Stovall, Stites, and Toy—10.

NAYS—Messrs. Alderson, Alcorn, Ballard, Barry, Caldwell, Chapman, Clarke, Combash, Dowd, Fawn, Gaither, Goss, Handy, Hemmingway, Herbert, Holland, Howe, Hutto, Jacobs, Jamison, Johnson A., Lawson, Leonard, Mayson, Musgrove, Montgomery, Mygatt, McCutchen, McKee, McKnight, Nelms, Newsom, Orr, Ozanne, Peyton E. A., Peyton E. G., Phillips, Powell, Quinn, Railsback, Stewart, Stites, Warren, Weir, Woodmansee, and Yeoman—46.

And the resolution of Mr. Orr was adopted, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Barry, Bonney, Brinson, Caldwell, Chapman, Chappell, Clarke, Combash, Dowd, Elliott John, Fawn, Gibbs, Handy, Hauser, Herbert, Holland, Howe, Jacobs, Jamison, Johnson A., Lawson, Leas, Leonard, Mayson, Musgrove, Mygatt, McKee, McKnight, Orr, Ozanne, Peyton E. A., Peyton E. G., Powell, Quinn, Railsback, Stewart, Stites, Stringer, Toy, Warren, Weir, Woodmansee, and Yeoman—45.

NAYS—Messrs. Ballard, Gaither, Goss, Gray, Hemmingway, Montgomery, McCutchen, Nelms, Phillips, Stovall, Stiles—11.

Mr. Phillips, of Tunica, introduced the following ordinance:

*Be it ordained by the people of the State of Mississsppi, in Convention assembled*, That the civil disabilities of Edwin J. Wendell, a minor, of Tunica county, be, and the same are hereby removed, and that the said Edwin J. Wendell be, and is hereby authorized to contract, sue and be sued, and do all other acts and things as if he were of the age of twenty-one years; *Provided*, He shall not be allowed to vote or hold office during his minority.

Mr. Herbert moved to refer the above to the Judiciary Committee.

Mr. Gibbs moved to lay the motion on the table;

Which was carried.

Mr. Stiles moved to suspend the rules and put the ordinance upon its final passage;

Which was lost.

Convention adjourned to meet at 9 o'clock A. M., to-morrow.

T. P. SEARS,
*Secretary.*

## SEVENTY-SIXTH DAY.

Jackson, Miss., Friday, April 3d, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Bonney, Brinson, Caldwell, Chapman, Chappell, Clarke, Combash, Conley, Cunningham, Dowd, Elliott John, Fawn, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Hemmingway, Herbert, Holland, Howe, Hutto, Jacobs, Jamison, Johnson A., Lack, Leas, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Morgan, Mygatt, McCutchen, McKee, McKnight, Nelms, Newsom, Myers, Orr, Ozanne, Parsons J. R., Peyton E. A., Peyton E. G., Phillips, Powell, Quinn, Railsback, Richardson, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Vaughan, Warren, Weir, Williams, Woodmansee, and Yeoman—69.

The following delegates were absent:

Messrs. Beam, Bridges, Castello, Collins, Compton, Dalton, Drane, Elliott James, Field, Fitzhugh, Johnson S., Jones, Kerr, Lawson, Moore, Miles, Neilson, Nesbitt, Parsons F., Rainey, Smith, Townsend, Walker, and Watson—24.

Journal of yesterday read and approved.

Leaves of absence were granted as follows:

To Mr. Field for one week; Mr. Brinson for one day; Mr. Moore for one day; Mr. Bridges for one day; Mr. Fitzhugh for one day.

The Committee on Contingent Expenses made the following report:

Mr. President: The Committee on Contingent Expenses would respectfully report that the annexed bill for gas is correct, and would recommend the same to be allowed.

Respectfully,
U. Ozanne, *Chairman.*
W. H. Gibbs,
J. Railsback,
S. C. Conley,
J. C. Brinson, *Committee.*

April 2, 1868.

Report received.

Rules suspended, account allowed, and warrant ordered to be drawn in payment thereof.

*Constitutional Convention,*
*To Jackson Gas Light Company,* Dr.

| | |
|---|---|
| To Gas consumed in the month of March, 1868, six (6,000) thousand cubic feet @ $8 00 per thousand, | $48 00 |

Mr. Peyton, of Copiah, moved to suspend the rules, to put the ordinance introduced by Mr. Phillips yesterday on its final passage;

Which was carried.

Mr. Chappell moved the previous question;

Which was sustained.

And the ordinance was passed, and reads as follows:

*Be it ordianed by the people of the State of Mississippi, in Convention assembled,* That the civil disabilities of E. J. Wendell, a minor, of Tunica county, be and the same are hereby removed, and that the said Edwin J. Wendell be, and is hereby authorized to contract, sue and be sued, and do all other acts and things, as if he were of the age of twenty-one yearrs; *Provided,* He shall not be allowed to vote or hold office during his minority.

Mr. Alderson offered the following:

WHEREAS, The Hon. C. P. Neilson, delegate from Amite, obtained leave of absence from this Convention to return home on business of importance; and

*Whereas,* The said Neilson remarked at the time, that he would claim no pay while absent; and

*Whereas,* The said remark was placed on the Journal, so that the Convention Auditor does not feel authorized to issue a certificate for the per diem of the said Neilson during the time he was thus absent; therefore, be it

*Resolved,* That the said Neilson be authorized to receive his regular per diem for the time he was absent, as other members have while they were absent on similar occasions; and the said Auditor be fully authorized to issue a certificate for that purpose.

On motion, the rules were suspended, that immediate action might be had upon the same.

Mr. Morgan moved to amend, " that delegates who have been absent more than twenty days, be included in the resolution."

Mr. Gibbs moved to amend, " that Mr. Herbert's fine of one day's per diem," be remitted.

Mr. Newsom moved that the amendment and the amendment thereto, be laid on the table;

Which was carried.

Mr. Newsom moved the previous question;

Which was sustained.

And the resolution of Mr. Alderson was adopted, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Barry, Bonney, Brinson, Caldwell, Chapman, Clarke, Combash, Compton, Conley, Cunningham, Dowd, Elliott John, Gaither, Gibbs, Gray, Hauser, Hemmingway, Herbert, Howe, Hutto, Lack, Leas, Leonard, Longmire, Mayson, Mask, Montgomery, Myers, McCutchen, McKee, Nelms, Nesbitt, Newsom, Orr, Parsons J. R., Peyton E. A., Peyton E. G., Phillips, Powell, Quinn, Stewart, Stites, Stringer, Stiles, Toy, Woodmansee, and Yeoman—50.

NAYS—Messrs. Goss, Handy, Holland, Jacobs, Johnson A., Musgrove, Morgan, McKnight, Ozanne, Richardson, Warren, Weir—12.

Mr. Alderson offered the following:

*Resolved*, That the proceedings of yesterday relating to Mr. Bonney, be stricken from the Journal.

Which was adopted.

The rules were suspended, that the Convention might proceed to consider the report of the committee on Ordinance and Schedule.

The report was read the first time.

The minority report by Mr. Weir, from the committee on Relief, was taken up for consideration, and read the first time and passed to its second reading.

Mr. Weir moved that the rules be suspended and the report put on its second reading.

Mr. Stringer moved the previous question;

Which was not sustained.

And the subject lies over.

The following communication was received:

JACKSON, MISS., April 3d, 1868.

*Hon. B. B. Eggleston, President Constitutional Convention:*

SIR—The citizens of Jackson desire the use of the Representative Hall to-night, for a public meeting, and will esteem it a great favor to have the consent of the Convention for that purpose. It would oblige us to know your determination at once, if convenient.

We have the honor to be your ob't sv'ts,

J. D. FREEMAN,
T. J. WHARTON,
W. F. FITZGERALD.
WM. M. SWANN,
*Committee.*

The request contained therein was granted, and Mr. Herbert appointed chairman of committee to notify the gentlemen of the action of the Convention.

The Convention took up the report of the majority of the committee on Relief, and it was read the first time.

Mr. Combash moved to suspend the rules to enable Mr. McKee to introduce a resolution.

Mr. Cunningham moved the previous question;

No quorum voting, it was not sustained.

And the motion lies over.

Mr. Cunningham moved to suspend the rules to permit the introduction of a resolution.

Rules suspended, and Mr. McKee offered the following, in reference to relief:

*Resolved*, That the next Legislature shall have power to repeal statutes of limitations, pass relief, stay injunctions, insolvent and homestead laws, and to pass any and every act deemed necessary for the relief of debtors, subject only to the restrictions imposed by the Constitution of the United States.

Mr. Longmire moved to amend as follows:

*Provided*, That said Legislature shall never allow or enact any law allowing any species of property exempt from execution on and after its action thereon;

Which was laid on the table.

Mr. Cunningham moved that the resolution of Mr. McKee be printed, and made the special order for Monday next, together with the majority report upon the same subject;

Which was carried.

The following communication was received:

JACKSON, MISS., April 2d, 1868.

*Hon. B. B. Eggleston, President Constitutional Convention:*

SIR—I have been directed by the Immigration Convention to inform your body of the passage of the following resolution, viz:

*Resolved*, That the thanks of the Immigration Convention are tendered to the Constitutional Convention for the courteous manner in which they have offered the use of their hall, and other facilities they have given to this body.

Very respectfully,
WM. W. PORTER,
*Secretary.*

Mr. Musgrove moved to receive the communication and spread it upon the Journal.

Mr. Cunningham moved the previous question;

Which was sustained; and the motion was carried, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Barry, Brinson, Clarke, Combash, Conley, Cunningham, Dowd, Fawn, Gaither, Goss, Gray, Hauser, Herbert, Holland, Howe, Hutto, Jacobs, Lack, Leas, Leonard, Longmire, Mask, Musgrove, Myers, Mygatt, McCutchen, McKee, McKnight, Nelms, Newsom, Orr, Parsons J. R., Peyton E. G., Powell, Quinn, Railsback, Richardson, Stewart, Stringer, Stiles, Warren, Williams, Woodmansee, Yeoman—46.

NAYS—Messrs. Bonney, Caldwell, Chapman, Gibbs, Handy, Johnson A., Mayson, Ozanne, Peyton E. A.—9.

Mr. Combash moved to reconsider the vote just taken;

Pending the consideration of which, the Convention adjourned to meet to-morrow morning, at 9 o'clock.

T. P. SEARS,
*Secretary.*

## SEVENTY-SEVENTH DAY.

Jackson, Miss., Saturday, April 4th, 1868.

The Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Lack.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Bonney, Bridges, Caldwell, Chapman, Chappell, Clarke, Combash, Conley, Cunningham, Dowd, Drane, Elliott John, Fawn, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Hemmingway, Herbert, Holland, Howe, Hutto, Jacobs, Jamison, Johnson A., Lack, Leas, Leonard, Longmire, Mayson, Mask, Musgrove, Montgomery, Moore, Morgan, Myers, Mygatt, McCutchen, McKee, McKnight, Neilson, Nelms, Nesbitt, Newsom, Orr, Ozanne, Parsons J. R., Peyton E. A., Peyton E. G., Phillips, Powell, Quinn, Railsback, Richardson, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Vaughan, Warren, Weir, Williams, and Yeoman—72.

The following delegates were absent:

Messrs. Beam, Brinson, Castello, Collins, Compton, Dalton, Elliott James, Field, Fitzhugh, Johnson S., Jones, Kerr, Lawson, Miles, Parsons F., Rainey, Smith, Townsend, Walker, Watson, Woodmansee—21.

Journal of yesterday read and approved.

Leaves of absence were granted to the following named delegates, for the period affixed to their names:

To Mr. Holland, seven days from Monday next; to Mr. Compton, seven days from Monday next; to Mr. Lawson, for three days.

Committee on Enrollment reported as follows:

*To the President and members of Constitutional Convention:*

Your committee on Enrollment have examined an ordinance passed for the relief of Edwin J. Wendell, and have instructed me to report that they find it correctly enrolled.

James Weir,
*Chairman.*
W. B. Cunningham, and others,
*Committee.*

Report received.

Committee on Contingent Expenses reported the following:

*To the Hon. President and Members of the Convention:*

The committee on Contingent Expenses, to whom was referred the annexed bills, would respectfully report that they have investigated said bills, and believing they are correct, would recommend that they be allowed.

Respectfully,
U. OZANNE,
*Chairman.*

S. C. CONLEY,
W. H. GIBBS,
JEHIEL RAILSBACK,
JNO. C. BRINSON,
*Committee.*

*The State of Mississippi,*

*To John H. Echols, Esq., for State Convention,*

| | |
|---|---|
| Bought of Eyrich & Co., 7 quires full bound blank.. | $7 00 |
| Four quires half bound blank...................... | 3 00 |
| Total........................................ | $10 00 |
| Discount of Warrants.............................. | $2 50 |
| Total........................................ | $12 50 |

Received ten dollars cash for above.

EYRICH & CO.

*State of Mississippi,*

*To N. G. Gill,* DR.

| | |
|---|---|
| To 20 copies Vicksburg Times, daily, 25 days during month of March .......................... | $25 00 |
| To 6 copies Vicksburg Herald, daily, from March 16th to March 31st.............................. | 3 60 |
| To 6 copies New Orleans Republican daily, from January 20th, to March 31st...................... | 18 00 |
| Total.......................................... | $46 60 |

*Mississippi State Convention,*

*To Clarion Office,* DR.

April 3d, 1868.

| | |
|---|---|
| To 200 copies daily, for four weeks, ending March 29, being $60 per weeks, or five cents per copy...... | $240 00 |
| To 170 copies daily, for one week, ending April 4th, 1868........................................ | 51 00 |
| To one book of Convention Warrants, Lithograph print........................................ | 60 00 |
| To one book Receipt Warrants (750 receipts) printing, ruling and binding, for Convention tax......... | 35 00 |

| | |
|---|---|
| To one book for Auditor, being statement of receipt warrants issued, printing, ruling, and binding... | 16 00 |
| To one book for Auditor, being disbursements on account of Convention, printing, ruling, and binding | 16 00 |
| Total...................................... | $418 00 |

HALL CONSTITUTIONAL CONVENTION,
JACKSON, MISS., April 3, 1868.

Received of Power & Barksdale the papers charged for in foregoing account.

NELSON G. GILL,
*Sergeant-at-Arms.*

AUDITOR'S OFFICE, JACKSON, MISS.,
April 3, 1868

Received of Power & Barksdale the books charged for in foregoing account, the same being necessary on account of Convention tax.

THOMAS T. SWANN,
*Auditor of Public Accounts.*

MR. PRESIDENT: The bill annexed to this report, referred to the committee on Contingent Expenses, has been duly investigated, and found correct as far as the number of copies delivered is concerned. Your committee would, therefore, recommend that five cents per copy, instead of ten cents, as charged in the bill, be allowed.

Respectfully,
U. OZANNE,
*Chairman.*
S. C. CONLEY,
W. H. GIBBS,
J. RAILSBACK,
JNO. C. BRINSON.
*Committee.*

*Mississippi Constitutional Convention,*
*To J. R. Smith,* DR.

| | |
|---|---|
| To 1,700 copies of the Weekly and Semi-Weekly Chronicle, at 10 cents per copy.................... | $170 00 |

Report received.

And under a suspension of the rules, warrants were directed to be drawn in payment therefor as per recommendation of committee.

The rules were suspended to enable Mr. Hemmingway to introduce the following account:

*The Constitutional Convention,*
*To Thomas T. Swann, Auditor of Public Accounts,* DR.

| | |
|---|---|
| January, 1868. | |
| To 14 cords wood purchased by me for State Capitol, and used by Convention, at $6 00 per cord........ | $84 00 |
| Paid for cutting same ............................ | 14 00 |
| | $98 00 |

The account received and warrant ordered to be drawn in payment therefor.

The rules were suspended, and the Convention took up the Judiciary Report, and it was put upon its third reading from and including the 16th section:

Section 16 was adopted.

Section 17 was adopted.

Section 18 was adopted.

Section 19 was adopted.

Section 20 was adopted.

Section 21:

Mr. Alderson moved that the Convention go into Committee of the Whole for the consideration of the section;

Which was lost.

Section 21 was adopted.

Section 22 was adopted.

Section 23 was adopted.

Section 24 was adopted.

Section 25 was adopted.

Section 26 was adopted.

Section 27 was adopted.

Section 28 was adopted.

Mr. E. G. Peyton moved to adopt as a whole, and refer to the committee on Form and Arrangement;

Which was carried.

The report as passed reads as follows:

SECTION 1. The judicial power of this State shall be vested in one High Court of Errors and Appeals, and such other courts of law and equity as are hereafter provided for in this Constitution.

SEC. 2. The High Court of Errors and Appeals shall consist of three Judges, any two of whom, when convened, shall form a quorum. The Legislature shall divide the State into three Districts, and the Governor, by and with the advice and consent of the Senate, shall appoint one Judge for each District.

SEC. 3. The office of one of said Judges shall be vacated in three years, one in six years, and one in nine years, so that at the expiration of every three years, one of said Judges shall be appointed as aforesaid. The term of office of the Judges of the High Court of Errors and Appeals shall be nine years.

SEC. 4. The High Court of Errors and Appeals shall have no jurisdiction but such as properly belongs to a court of errors and appeals.

Sec. 5. All vacancies which may occur in said Court, from death, resignation, or removal, shall be filled by appointment, as aforesaid; *Provided, however*, That if a vacancy shall occur during the recess of the Legislature, the Governor shall appoint a successor; who shall hold his office till the next meeting of the Legislature.

Sec. 6. No person shall be eligible to the office of Judge of the High Court of Errors and Appeals who shall not have attained the age of thirty years at the time of his appointment, and who shall not have been for two years immediately preceding, a citizen of the State, and six months a resident of the district for which he shall be appointed.

Sec. 7. The High Court of Errors and Appeals shall be held twice in each year, at the seat of Government, at such times as the Legislature may prescribe.

Sec. 8. Immediately upon the first appointment of Judges, as aforesaid, the Governor, in the presence of, and with the assistance of the President of the Senate and Secretary of State, shall determine by lot, which of said Judges shall serve for the term of three years, and which shall serve for the term of six years, and which shall serve for the term of nine years; and it shall be the duty of the Governor to issue commissions accordingly.

Sec. 9. No Judge of said Court shall sit on the trial of any cause where the parties, or either of them, shall be connected with him by affinity or consanguinity, or where he may be interested in the same, except by the consent of the Judges and of the parties, and whenever a quorum of said Court are situated as aforesaid, the Governor of the State shall, in such cases, specially commission two or more men of law knowledge for the determination thereof.

Sec. 10. The Judges of said Court shall receive for their services a compensation to be fixed by law, which shall not be diminished during their continuance in office.

Sec. 11. The Judges of the Circuit Court shall be appointed by the Governor, with the advice and consent of the Senate, and shall hold their offices for the term of six years.

Sec. 12. No person shall be eligible to the office of Judge of the Circuit Court, who shall not, at the time of his appointment, have attained the age of twenty-six years, and shall have been two years a citizen of the State, and six months an inhabitant of the district for which he may have been appointed.

Sec. 13. The State shall be divided into convenient judicial districts, and each district shall not contain more than five counties.

Sec. 14. Circuit Courts shall have original jurisdiction in all matters civil and criminal, in this State; but in civil cases only when the principal of the amount in controversy exceeds one hundred and fifty dollars.

Sec. 15. A Circuit Court shall be held at least twice in each year, and the Judges of said Courts may interchange circuits with each other, in such manner as may be prescribed by law, and shall receive for their services a compensation to be fixed by law, which shall not be diminished during their continuance in office.

Sec. 16. Chancery Courts shall be established in each county in this State, with full jurisdiction in all matters of equity, and of divorce and alimony; the Circuit Court Judge shall be the Chancellor of these Courts, in his district, and the said Chancery Courts shall be held at the same time and place that the Circuit Courts are held.

Sec. 17. A Probate Court shall be established, with jurisdiction in matters testamentary, and of administration in minors' business and allotment of dower, and in cases of idiocy, lunacy and persons *non compos mentis*.

Sec. 18. The Legislature shall divide the State into a convenient number of Probate Districts, to be composed of not more than four counties. The Judges of Probate Courts shall be appointed in the same manner as the Judges of the Circuit Courts. Their qualifications shall be regulated by law, and they shall hold their office for the term of four years. They shall hold a court in each county at least six times in each year, and shall receive such compensation as may be provided by law.

Sec. 19. The style of all process shall be "The State of Mississippi," and all prosecutions shall be carried on in the name and by the authority of the State of Mississippi, and shall conclude "against the peace and dignity of the same."

Sec. 20. The Clerk of the High Court of Errors and Appeals shall be appointed by said court, for the term of four years, and the Clerk of the Circuit Court and the Clerk of the Probate Court shall be elected by the qualified voters of their several counties, and shall hold their office for the term of two years. The Clerk of the Circuit Court shall be the Clerk of the Chancery Court, and the Legislature shall provide by law, what duties shall be performed by the Clerks of the Circuit and Probate Courts, during vacation, subject to the approval of the court.

Sec. 21. The qualified electors of each county shall elect five persons, by districts, for the term of two years, who shall constitute a Board of Police for each county, a majority of whom may transact business, which body shall have full jurisdiction over roads, ferries and bridges, and all other matters of county police, and shall order all county elections to fill vacancies that may arise in the offices of their respective counties. The Clerk of the Probate Court of each county shall be the Clerk of such Board of County Police.

Sec. 22. No person shall be eligible as a member of said Board who shall not have resided one year in the county; but this qualification shall not extend to such new counties as may hereafter be established, until one year after their organization, and all vacancies that may occur in said Board shall be supplied by election, as aforesaid, for the unexpired term.

Sec. 23. The Judges of all the courts of this State, and also the members of the County Police, and all other civil officers, shall, by virtue of their office, be conservators of the peace, and shall be, by law, vested with ample powers in that respect.

SEC. 24. A competent number of Justices of the Peace and Constables shall be chosen in each county, by the qualified electors thereof, by districts, who shall hold their offices for the term of two years. The jurisdiction of Justices of the Peace shall be limited to causes in which the principal of the amount in controversy shall not exceed the sum of one hundred and fifty dollars. In all causes tried by a Justice of the Peace, the right of appeal shall be secured, under such rules and regulations as shall be prescribed by law.

SEC. 25. The Legislature shall, from time to time, establish such other inferior courts as may be necessary, and abolish the same whenever they shall deem it expedient.

SEC. 26. There shall be an Attorney General elected by the qualified electors of the State, and a competent number of District Attorneys shall be elected by the qualified electors of the respective districts, whose term of service shall be for four years, and whose compensation shall be prescribed by law.

SEC. 27. The Legislature shall provide, by law, for determining contested elections.

SEC. 28. Clerks, Sheriffs, and other county officers, for wilful neglect of duty or misdemeanor in office, shall be liable to presentment or indictment by a grand jury, and trial by petit jury, and upon conviction shall be removed from office.

The rules were suspended to take up the ordinance submitted by the committee on County Boundaries.

And the ordinance was read and passed its first reading.

Mr. Leas moved to suspend the rules to put the ordinance upon its second reading by sections.

Mr. Stringer moved the previous question, and the motion of Mr. Leas was carried.

The section relating to Crawford county being put upon its adoption, Mr. Weir, of Oktibbeha, moved that the consideration of that portion of the ordinance relating to Crawford county be postponed until Monday next.

Mr. Hauser, of Kemper, moved to lay the motion of Mr. Weir on the table;

Which was carried.

Mr. Morgan, of Yazoo, moved the previous question, which was sustained; and the section relating to Crawford county was adopted.

The section relating to Columbia and Tishomingo counties was adopted.

That portion relating to Culpepper county being under consideration, Mr. Goss moved to postpone indefinitely the further consideration af the same.

Mr. Newsom moved that a call of the Convention be had;

Which was carried.

And upon calling the roll, a quorum was found to be present.

And the motion of Mr. Goss was carried, by the following vote:

Yeas—Messrs. Alderson, Bonney, Conley, Dowd, Gibbs, Goss, Gray, Handy, Hauser, Hutto, Jacobs, Lack, Leas, Leonard, Longmire, Moore, Myers, Mygatt, McKee, Neilson, Newsom, Peyton E. A., Peyton E G., Phillips, Powell, Railsback, Stewart, Stringer, Warren, Weir, and Yeoman—30.

Nays—Messrs. Alcorn, Ballard, Barry, Bridges, Chapman, Cunningham, Elliott John, Howe, Mayson, Mask, Musgrove, Montgomery, Ozanne, Richardson, Stovall, Stiles, and Williams—18.

And the section fixing the line between Coahoma and Tunica counties was adopted.

Mr. Leas moved that the section relating to Clay county lie over until Monday;

Which was lost.

No quorum voting.

And the section relating to Clay county was taken up;

Mr. Conley offered the following amendment:

Strike out such part of townships twelve, thirteen, fourteen, fifteen, and sixteen, range 5, and townships twelve, thirteen, fourteen, and fifteen, range four, and townships fifteen and sixteen, range 6, as are now in the limits of Attala county.

Mr. Montgomery moved to table;

Which was carried.

Mr. Conley moved to amend by striking out sections fifteen and sixteen, range six, where it occurs;

Which was laid on the table.

Mr. Conley moved to amend as follows:

"*Provided*, That that portion of Attala county which is proposed by this ordinance to be included in said new county of Clay, shall be required to pay its proportion of the present debt of Attala county."

Mr. Montgomery moved to table;

Which was carried.

And the section relating to Clay county was adopted.

Mr. Leas moved a suspension of the rules that the ordinance might be put upon its third reading;

Which was lost;

No quorum voting.

Pending the further consideration of the report, the Convention adjourned until Monday morning at 9 o'clock.

T. P. Sears,  
*Secretary.*

## SEVENTY-EIGHTH DAY.

Jackson, Miss., Monday, April 6th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Bonney, Bridges, Brinson, Caldwell, Chapman, Chappell, Clarke, Combash, Conley, Cunningham, Dowd, Drane, Elliott John, Fawn, Gaither, Gibbs, Goss, Gray, Hauser, Hemmingway, Herbert, Holland, Howe, Hutto, Jamison, Johnson A., Lack, Lawson, Leas, Leonard, Longmire, Mask, Musgrove, Montgomery, Moore, Morgan, Myers, McKee, McKnight, Neilson, Nelms, Nesbitt, Newsom, Orr, Ozanne, Parsons J. R., Peyton E. A., Peyton E. G., Phillips, Powell, Quinn, Railsback, Stewart, Stites, Stovall, Stringer, Stiles, Townsend, Toy, Vaughan, Walker, Warren, Weir, Yeoman—68.

The following delegates were absent:

Messrs. Barry, Beam, Castello, Collins, Compton, Dalton, Elliott James, Field, Fitzhugh, Handy, Jacobs, Johnson S., Jones, Kerr, Mayson, Mygatt, Miles, McCutchen, Parsons F., Rainey, Richardson, Smith, Watson, Williams, and Woodmansee—25.

Journal of Saturday read and approved.

The following communication was received from the Sheriff of Oktibbeha county:

SHERIFF'S OFFICE, OKTIBBEHA COUNTY,
STARKVILLE, MISS., April 2d, 1868.

*To the Hon. President and Members Constitutional Convention:*

GENTLEMEN—The Tax Collector, Mr. Berry Vick, appointed by the Convention to collect the tax of Oktibbeha county, under an ordinance passed, prior to an ordinance passed February 27th, collected one hundred and ten dollars and twenty-five cents, nine dollars of which was on cotton; eight dollars and seventy-five cents he deducted from the whole amount collected for his commissions.

He forwarded to the Treasurer of the Convention one hundred and one dollars and fifty cents.

It was all collected from merchants on their gross sales, except the nine dollars collected on cotton, as above stated; and in accordance with the present ordinance, ought to be refunded. I wish to be instructed how to act in the matter, as I cannot collect the tax under the present ordinance from these merchants, without returning the money collected under the former ordinance.

Very respectfully,
H. C. POWERS,
*Sheriff of Oktibbeha County, Mississippi.*

Referred to the committee on Finance.

Leaves of absence were granted, to Mr. McCutchen for three days; to Mr. Jones for ten days; to Mr. Smith for ten days; to Mr. Mayson for ten days; to Mr. Nelms for ten days.

The following form, from the Auditor of Public Accounts, was presented by Mr. Herbert, with the request that 200 copies be printed for the use of the Auditor:

Office of Auditor of Public Accounts,
Jackson, Miss, ——, 1868.

Sir—Your favor of —— at hand, contents noted, my construction of the Ordinance of the Constitutional Convention is as follows:

The first section of the Ordinance levies a tax of fifty per cent. on the State tax, on all property real or personal assessed by the State on assessment roll of 1867.

The second section levies a special tax of one-half of one per cent. on the value of all property consisting of stocks, goods, etc., and all other moveable or personal property of every kind and nature, not taxed by the State, gross earnings of lawyers, doctors, sales of merchandise, license, poll taxes, etc., are not property, and are exempt from Convention tax.

Your best method would be to assess all property on which a tax is not levied by the State, and collect one-half of one per cent. Convention tax on value thereof, in accordance with section 2 of the Ordinance, and on all property assessed by the State on assessment roll of 1867, collect fifty per cent. on the State tax, in accordance with section first.

Respectfully,
Thos. T. Swann,
*Auditor of Public Accounts.*

Received, and 200 copies ordered printed for use of the State Auditor.

The Committee on Ordinance and Schedule made the following report:

Mr. President: The undersigned, of the Committee on Ordinance and Schedule, begs leave to submit the following minority report.

Respectfully,
W. T. Combash.

## MODE OF REVISING THE CONSTITUTION.

Whenever two-thirds of each branch of the Legislature shall deem any change, alteration or amendment necessary to this Constitution, such proposed change, alteration or amendment shall be read and passed by a majority of two-thirds of each house, respectively, on each day, for three several days; public notice shall then be given by the Secretary of State, at least three months preceding the next general election, at which the qualified electors shall vote directly for or against such change, alteration or amendment; and if it shall appear that a majority of the qualified electors, voting for members of the Legislature, shall have voted for the proposed change, alteration, or amendment, then it shall be inserted by the next succeeding Legislature as a part of this Constitution, and not otherwise.

## SCHEDULE.

SECTION 1. The Ordinance of Secession of the State of Mississippi, passed January 9th, 1861, is hereby declared to be null and void. The so-called Constitution, adopted in 1865, and all previous Constitutions framed in and for the State of Mississippi, are hereby declared to be repealed and annulled by this Constitution.

SEC. 2. All laws now in force in this State, not repugnant to this Constitution, shall continue in operation until they shall expire by their own limitation, or be altered or repealed by the Legislature, except the hereinafter mentioned laws, to-wit: "An Act to change the name of the county of Jones, and for other purposes," approved December 1, 1865. "An Act to establish a ferry across the Mississippi at Vicksburg," approved November 29, 1865.

SEC. 3. The Legislature shall provide for the removal of causes now pending in the courts of this State, to courts created by or under this Constitution.

## ORDINANCE.

SEC. 4. Immediately upon the adjournment of this Convention, this Constitution shall be submitted for ratification to the registered voters of the State, in conformity with the Act of Congress, passed March 2, 1867, entitled "An Act to provide for the more efficient government of the rebel States," and the Acts supplementary thereto.

SEC. 5. The election for the ratification of this Constitution, shall be held on the ——— days of ———, 1868, at such places, and shall continue such time as the Commanding General of the Fourth Military District may direct; and the polls shall be kept open from seven o'clock, A. M., until seven o'clock P. M. At said election all those in favor of ratifying the Constitution shall have written or printed on their ballots, the words, "For Constitution," and those opposed to the ratification of the same, shall have written or printed on their ballots the words: "Against the Constitution;" but no person shall vote for or against this Constitution on a separate ballot from that cast by him for officers to be elected at said election under this Constitution.

SEC. 6. In order to establish a civil government as required by the Act of Congress, approved March 2d, 1867, and the Acts supplementary thereto, an election shall be held at the same time and place at which the Constitution is submitted for ratification, for all State officers, for members of the Legislature, and for Representatives in Congress; at which election the electors who are qualified under the Reconstruction Acts of Congress shall vote, and none others.

SEC. 7. At the election for the ratification of the Constitution, and for officers of the civil government, all registered electors may vote in any county where they have resided ten days next preceding said election, and at any precinct in the county, upon presentation of their certificates of registration, affidavit, or any satisfactory evidence that they are entitled to vote as registered electors.

Sec. 8. The Committee of Five, appointed under authority of this Convention, shall appoint three commissioners of election for each county, whose duty it shall be to superintend the election for theratification or rejection of the Constitution; who shall also, at the same time and place, superintend the election for all officers and Representatives herein ordered. Returns in duplicate, sworn to by the said Commissioners superintending said election, shall be made and forwarded within three days thereafter to the chairman of said Committee of Five who shall, within five days after the last return has been received, make proclamation of the result of said election; and shall also declare the officers elected thereunder, and notify them of their election; and if declared ratified, the Constitution shall, from and after that date, be in full force and effect.

Sec. 9. The Legislature elected under this Constitution shall hold its first session in the Capitol, in the city of Jackson, on the second Monday after the official promulgation aforesaid, and shall proceed immediately upon its organization, to vote upon the adoption of the Fourteenth Amendment of the Constitution of the United States, proposed by Congress and passed June 13, 1866. Said Legislature shall not have power to enact any laws relative to the per diem of members, nor on any other subject after organization, until said Constitutional Amendment shall have been ratified,

Sec. 10. The first terms of all civil officers elected at the same time this Constitution is submitted for ratification or rejection shall commence on the second Monday after their election shall have been officially promulgated, and they shall continue to hold from said time until the expiration of the first full term of their respective offices succeeding said election.

Sec. 11. All Commissioners of Election herein provided for, shall, before entering upon their respective duties, take and subscribe to the oath of office prescribed by Congress, approved July 2, 1862, entitled "an Act to prescribe an oath of office."

Sec. 12. The Commissioners of Election herein provided for shall receive the same compensation per day while in attendance upon elections, and allowances for transportation (when actual disbursements have been made) as Registrars, and shall be paid out of any funds in the State Treasury to the credit of the Convention fund upon the certificate of the Chairman of said committee of Five.

Report received.

And under the rules, lies over, and 100 copies ordered to be printed.

The rules were suspended to permit a communication, presented by Mr. Gaither, to be read for information.

Mr. Townsend moved to further suspend the rules, that the communication might be referred to the committee on Removing Political Disabilities for their consideration.

A motion to table was lost, and the motion of Mr. Townsend was carried.

Mr. Ozanne, the chairman of committee on Contingent Expenses, moved to reconsider the vote ordering the reduction of the account for papers furnished the Convention by the Meridian *Chronicle* presented on Saturday last;

Which was carried.

And on motion of Mr. Ozanne, the bill was ordered to be paid as rendered, to-wit: ten cents per copy.

Mr. Gibbs moved to refer the subject back to the committee;

Which was laid on the table.

Mr. Clarke moved to amend by inserting the word "seven," instead of the word "ten."

Mr. Hauser moved the previous question;

Which was sustained.

And the amendment of Mr. Clarke was lost, no quorum voting;

And the motion of Mr. Ozanne was carried, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Ballard, Barry, Bonney, Bridges, Caldwell, Chapman, Chappell, Clarke, Combash, Cunningham, Dowd, Elliott John, Fawn, Handy, Hauser, Herbert, Jacobs, Johnson A., Leas, Mask, Musgrove, Moore, Morgan, Myers, McKee, McKnight, Newsom, Orr, Ozanne, Peyton E. A., Powell, Quinn, Railsback, Stewart, Stites, Stringer, Warren, Williams, and Yeoman—41.

NAYS—Messrs. Conley, Gaither, Gibbs, Goss, Gray, Howe, Hutto, Jamison, Lack, Longmire, Montgomery, Neilson, Nelms, Phillips, Richardson, Stiles, Townsend, Vaughan, Walker, and Weir—20.

Mr. Alcorn moved to suspend the rules, to enable Mr. Phillips, of Tunica, to introduce the following:

WHEREAS, St. Francis Island is on the Arkansas side of the Mississippi river, and is a part of the territory of Mississippi; and

*Whereas*, Ship Island is on the Mississippi side of the Mississippi river, and part of the territory of the State of Arkansas; therefore,

*Be it ordained by the people of Mississippi, in Convention assembled*, That the Legislature at its first session, or as soon thereafter as practicable, negotiate an exchange of St. Francis Island for Ship Island.

And the ordinance was put upon its first reading.

Mr. Phillips offered the following:

*Be it ordained by the people of the State of Mississippi, in Convention assembled*—

1st. That all male citizens born in the United States or naturalized, twenty-one years old and upwards, who have resided in this State one year and in the county in which said inhabitant offers to vote four months, are qualified electors.

2d. There shall be separate schools for the education of white and colored children.

3d. All male citizens, twenty-one years of age, who can read and write, and calculate interest, shall be competent jurors.

4th. No person shall be elected to any office, who is not by education qualified to discharge all the duties of the office to which he is elected.

5th. The oath of office for State, county, and municipal officers of this State, shall be to support the Constitution of the State, and the Constitution of the United States, and the faithful discharge of the duties of office.

Which was laid on the table, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Caldwell, Chapman, Clarke, Cunningham, Dowd, Drane, Herbert. Jacobs, Jamison, Johnson A., Leas, Leonard, Moore, Myers, McKee, Newsom, Parsons J. R., Peyton E. A., Powell, Railsback, Stewart, Stites, Stringer, Warren, Weir, Williams, and Yeoman—29.

NAYS—Messrs. Barry, Bonney, Conley, Gaither, Gibbs, Goss, Gray, Hemmingway, Howe, Hutto, Lack, Longmire, Mask, Musgrove, Montgomery, Morgan, McKnight, Neilson, Nelms, Orr, Phillips, Richardson, Stiles, Townsend, Vaughan, and Walker—26.

On motion of Mr. Peyton, of Hinds, the rules were suspended, to permit the introduction of the following communication:

JACKSON, MISS., April 6th, 1868.

*Hon. B. B. Eggleston, President of Constitutional Convention:*

SIR—The performance of duties of a judicial character renders it improper that I should longer remain a member of this Convention. I now, therefore, resign my seat therein; and in thus taking leave, I cannot withhold the expression of my feelings of gratitude for the kindness and courtesy uniformly shown me, not only by yourself, but by the members and officers of this Convention.

Very respectfully,
E. G. PEYTON.

Mr. Orr moved to receive.

Mr. Weir moved to lay on the table;

Which was carried.

The Convention took up for consideration, the report of the Committee on County Boundaries;

And so much as relates to the new county of Columbia, and Tishomingo county, passed its third reading.

And so much as relates to Coahoma county, and Tunica county, passed its third reading.

And that portion relating to Clay county, being read,

Mr. Conley offered the following amendment:

Strike out the words, "west half of township fifteen, range six, and township sixteen, range six, inclusive;"

Which was adopted.

Mr. Conley offered the following as an addition to the section:

*Provided*, That the resident voters in that portion of Attala county proposed to be included in said new county of Clay shall be allowed to vote for or against said new county; *And, provided further*, That if a majority of said voters of that part of Attala county proposed to be included in said new county of Clay vote against it, then said District of Attala county, proposed to be included in said new county of Clay, shall be and remain a part of Attala county;

Which was laid on the table.

Mr. Barry moved to strike out so much of the section as relates to the boundaries of Carroll county;

Which was carried.

Mr. Dowd moved to adopt the report so far as it relates to Clay county as a whole;

Which was carried.

Mr. Dowd moved to refer to the committee on Form and Arrangement.

The Ordinance reads as follows:

*Be it ordained*, That a new county, which shall be called Columbia county, be and the same is hereby established, with the following boundaries, viz: All that portion of Tishomingo county situated and lying south of a line beginning at the southwest corner of section seven, township four, of range six on the western boundary line of said county, and running thence east with the said section line between section seven and eighteen, to the eastern boundary of Tishomingo county.

*Be it further ordained*, That the county site of said county of Columbia be and is hereby located in the town of Booneville, in said county, and that the county site of Tishomingo county, be and the same is hereby located in the city of Corinth, in said county; *Provided*, That the said city of Corinth shall donate and deed the buildings on the public square in said city, to the said Tishomingo county, for a court-house.

*Be it further ordained*, That the Board of Police of Tishomingo county is hereby authorized and directed to sell the public buildings now belonging to said Tishomingo county, situated at Jacinto, and pay the same over to the Board of Police of Columbia county, to enable said Columbia county to pay for their public or county buildings.

*Be it further ordained*, That the county line betwen Coahoma and Tunica counties be established as follows, viz: Beginning at a point on the Mississippi river where the south boundary of township thirty, range four, west, intersect said river, running east with the south boundary of township thirty to the Chickasaw surveys; thence east on the south boundary of township seven, to the middle of range nine, west; thence north, through the middle of range nine, to the north boundary of township three; thence west, along said north boundary of township three, to the Mississippi river; thence down the east bank of said river to the beginning; all that portion of Tunica county, detached by this ordinance, shall be added to and constitute a portion of Coahoma county.

*Be it further ordained*, That a new county, which shall be called Clay county, shall be, and the same is hereby established, with the following boundaries, viz: Embracing townships twelve, thirteen, fourteen, and fifteen, range five, township twelve, thirteen, fourteen, fifteen, and part of sixteen, range four; also, east half of townships twelve, thirteen, fourteen, fifteen, and sixteen, range three.

*Be it further ordained*, That the county site of said Clay county shall be situated and locatcd in the town of Durant.

Mr. Stovall moved that the vote so far as relates to Columbia and Clay counties be reconsidered;

Which was laid on the table.

Mr. Barry moved to reconsider the vote laying the ordinance on the table, introduced by Mr. Phillips.

Mr. Clarke moved to lay on the table;

Which was lost.

The hour arriving for the order of the day, the motion of Mr. Barry to reconsider lies over.

The Convention took up for consideration the resolution introduced by Mr. McKee, in relation to relief.

Mr. Weir, of Oktibbeha, moved to amend by striking out all after the word "resolved," and inserting the report of the committee on relief, presented by himself, as a minority report;

Pending action on the above, the Convention adjourned until to-morrow morning at 9 o'clock.

T. P. SEARS,
*Secretary.*

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## SEVENTY-NINTH DAY.

JACKSON, MISS., Tuesday, April 7th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Beam, Bonney, Bridges, Brinson, Caldwell, Chapman, Chappell, Clarke, Combash, Conley, Cunningham, Dalton, Dowd, Drane, Elliott John, Fawn, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Hemmingway, Herbert, Howe, Hutto, Jacobs, Jamison, Johnson, A., Lack, Leas, Leonard, Longmire, Mayson, Musgrove, Montgomery, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Neilson, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Phillips, Powell, Quinn, Railsback, Richardson, Stewart, Stites, Stovall, Stringer, Stiles, Townsend, Toy, Vaughan, Walker, Warren, Weir, Williams, and Yeoman—71.

The following delegates were absent:

Messrs. Barry, Castello, Collins, Compton, Elliott James, Field, Fitzhugh, Holland, Johnson S., Jones, Kerr, Lawson, Mask, Miles, McCutchen, Nelms, Nesbitt, Peyton E. G., Rainey, Smith, Watson, and Woodmansee—22.

The Journal of yesterday was read and approved.

Leaves of absence were granted, to Mr. Mask for ten days; to Mr. Castello for three days.

Mr. Vaughan, of Lafayette, introduced the following:

*Resolved*, That the Convention go into a ballot to select a suitable person, who shall print the Journal of this Convention, together with the Constitution, in book and pamphlet form.

Mr. Clarke moved to strike out the words " book and pamphlet form;"

Which was laid on the table.

Mr. McKee moved to postpone until to-morrow.

Mr. Gibbs moved to table;

Which was carried.

Mr. Townsend offered the following:

*Provided*, That the number of official copies of the Journal printed in book form shall not exceed five hundred.

Mr. Combash moved to amend Mr. Townsend's amendment by striking out the words "five hundred" and inserting the words "ten thousand."

Mr. Morgan moved to table both amendments;

Which was carried.

Mr. Herbert moved to amend as follows:

Print five thonsand copies.

Mr. Mygatt offered the following as an amendment to the amendment:

Print two thousand five hundred copies.

Mr. Weir moved to table the amendment and amendments thereto;

Which was carried.

Mr. Orr moved to print one thousand five hundred copies.

Mr. Gibbs moved to table;

Which was carried.

Mr. Stringer offered the following:

*Resolved*, That the resolution be referred to the Committee on Printing, with the instruction to report the cost of printing the Journals, Debates, and Constitution, and be made the special order for Thursday.

Mr. Stiles moved to table the resolution;

Which was lost.

Mr. Clarke moved that the Committee report the cost of printing twenty-five hundred copies of the Journal.

Mr. Gibbs moved the previoue question;

Which was sustained,

And the amendment of Mr. Clarke was adopted.

And the motion of Mr. Stringer, as amended, was carried.

Mr. Dowd moved to suspend the rules to take up the report of the Committee on Franchise.

Mr. Hemmingway moved to table the motion;

Which was carried.

Mr. Cunningham introduced the following:

WHEREAS, The State Penitentiary is in such condition that the convicts from the different counties in the State cannot be sent there to serve their term of confinement as provided by law, and are consequently confined in county jails, to the great expense of the people; and

*Whereas*, Said convicts might be profitably employed in county towns at cleaning streets, and other work which would add much to the improvement of said towns, and also add to the health of the community; therefore, be it

*Resolved*, That it is the sense of this Convention, that the convicts now in the various county jails in this State ought to be placed in the control of the city council of the various county towns to be worked under the Sheriffs on the streets, or at such work as said city council shall direct, and Gen. Gillem, Commander Fourth Military District, be respectfully requested to issue orders enforcing this, if he considers it proper.

Mr. Howe moved to table;

Which was carried.

Mr. Herbert submitted the following:

WHEREAS, It is believed that there is now no delegate on this floor who is not earnestly impressed with the vast importance of a harmonious reconciliation of conflicting sentiments on the subject embraced in the report of the Committee on Franchise, which must again soon come before this Convention for final action; and

*Whereas*, Many delegates here have notions and sentiments honestly entertained, upon the subject alluded to, aiming all of them to do for the best in the promotion of the general good; and

*Whereas*, Something must be done to reconcile differences, to harmonize action, and energise movement in the right direction; therefore, to get an honest expression of opinion, be it

*Resolved*, That after the Constitution now being framed by this Convention, shall have been put in full force in this State, no person shall ever be eligible under said Constitution, to the office of Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor of Public Accounts, Superintendent of Public Instruction, Judge of the High Court of Errors and Appeals, Attorney General, Judge of the Circuit Courts, Judge of the Probate Court, Mayor of any city or town, Sheriff or Tax Collector of any county, or to a seat in either branch of the Legislature, who voted for or signed the ordinance of secession, adopted by a certain so-called Convention of the people of the State of Mississippi, on the 9th day of January, 1861, or whoever held any office of profit, or trust, civil or military, by election or appointment, under the government of the so-called Confederate States, or under the government of any

State while in rebellion against the government of the United States, or whoever voluntarily bore arms or aided in the same; *Provided*, That if any cases coming within the purview and meaning of the third section of the amendment proposed by Congress as article 14 of the Constitution of the United States, any person shall at any time obtain removal of his disabilities as therein provided, the Legislature of this State may also relieve such person from such disabilities, by a two-thirds vote, and from that time, the person or persons so relieved or pardoned, shall be eligible to any of the offices aforesaid; *And provided further*, That on the fourth day of July, A. D. 1876, a universal amnesty and pardon within this State of all political offenses in anywise connected with said rebellion, shall take place and be proclaimed, restoring all men to their original rights, unless the Legislature in the meantime at its last previous session thereto, shall, by a like two-thirds vote, declare it to be unsafe for the State to do so, and if it shall then so appear to be unsafe, the said Legislature may and shall so declare, and by a two-thirds vote of that body, make said disabilities perpetual.

Mr. Dalton moved to table;

Which was lost.

Mr. Morgan moved to suspend the rules and that it be printed and made the special order for Thursday next.

Mr. Clarke moved to amend as follows:

That we make the subject of Franchise the special order for Wednesday, at 10 o'clock.

Mr. Dowd offered the following amendment to the amendment:

That every other member of this Convention who desires it may have his views published also.

Mr. Herbert moved to table;

Which was carried.

Mr. Gibbs moved the previous question;

Which was sustained.

And the amendment of Mr. Clarke was adopted.

And the matter contained in the resolution of Mr. Herbert, was absorbed by the introduction and adoption of the amendment offered by Mr. Clarke, of Yazoo.

Mr. Chapman moved that three thousand copies of the report of the committee on Public Lands be printed in pamphlet form for distribution.

Mr. Goss moved to amend by inserting three hundred thousand copies.

Under the operation of the previous question, moved by Mr. Warren, and sustained, the amendment of Mr. Goss was lost.

And the resolution was lost, by reason of no quorum voting.

Mr. E. G. Peyton was granted leave of absence from day to day.

Mr. Gibbs introduced the following:

*Resolved*, That the President appoint a special committee of five, to take into immediate consideration the propriety of incorporating an article in the Constitution providing for the election or appointment of a Commissioner of Immigration for the State, and defining the duties of the same.

Which was lost; no quorum voting.

Mr. Clarke moved the reference of the same to the committee on Internal Improvements;

Which was carried.

Mr. Clarke moved that the Convention hold two sessions daily, the first to commence at 9 A. M., and the second at 3 P. M.;

Which was laid on the table, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Barry, Bonney, Chappell, Combash, Cunningham, Drane, Gibbs, Goss, Handy, Hauser, Herbert, Jacobs, Jamison, Johnson, Montgomery, Moore, Morgan, Myers, Mygatt, McKnight, Newsom, Orr, Ozanne, Powell, Richardson, Stites, Stringer, Stiles, Toy, Vaughan, Weir, Woodmansee, Yeoman—35.

NAYS—Messrs. Beam, Bridges, Brinson, Caldwell, Clarke, Conley, Dalton, Dowd, Elliott John, Gaither, Gray, Hemmingway, Hutto, Lack, Leas, Longmire, Mayson, Musgrove, McKee, Neilson, Parsons F., Parsons J. R., Phillips, Railsback, Stewart, Stovall, Townsend, Warren—28.

The unfinished business being the amendment offered by Mr. Weir, yesterday, to the resolution of Mr. McKee;

Mr. Stiles moved to read the amendment of Mr. Weir;

Which was lost.

Mr. Orr offered the following amendment to the amendment:

### AN ORDINANCE DECLARING NULL AND VOID ALL SALES OF LANDS FOR STATE, COUNTY, OR MUNICIPAL TAXES LEVIED UNDER AND BY AUTHORITY OF THE STATE OF MISSISSIPPI, FOR THE YEARS 1861, 1862, 1863, AND 1864, AND FOR OTHER PURPOSES.

SECTION 1. *Be it ordained by the people of Mississippi, in Convention assembled*, That all taxes, State, county or municipal, levied under or by authority of any State, county or municipal law, or ordinance, upon the real or movable property, within the limits of said State of Mississippi, for the years 1861, 1862, 1863, and 1864, be and the same are hereby declared null and void, and the collection of the same shall not be enforced by any process of law emanating from or issued by any court or courts of this State, and any Sheriff or Tax Collector collecting, or attempting to collect, hereafter, any of the within mentioned taxes shall be deemed guilty of fraud, and upon conviction thereof, shall ne imprisoned in the State Prison for not less than one, nor more than three years.

SEC. 2. *Be it further ordained*, That any and all sales of real estate heretofore or hereafter made, for non-payment of taxes for the years 1861, 1862, 1863, and 1864, are hereby declared null and void and of no effect, and said real estate thus sold shall revert back, without any consideration whatever, to its original owners, or their legal heirs or assigns.

Sec. 3. *Be it further ordained*, That all contracts for the sale of lands which are incomplete, by reason of the purchase money being unpaid, or the title deeds or conveyances being unexecuted, and which sale took place between the 9th day of January, 1861 and the 20th day of May, 1865, unless paid for, or contracted to be paid for, in the legal currency of the United States, or property other than slaves, are hereby declared null and void at the option of the parties or either of them; *Provided*, That subsequent purchasers shall not be affected by the provisions of this section.

Sec. 4. *Be it further ordained*, That all bills, bonds, notes or other evidences of debt outstanding and unpaid, given for or in consideration of bonds or Treasury notes of the so-called Confederate States, or notes or bonds of this State to be paid or redeemed in the bonds or notes of the Confederate States, are hereby declared null and void, and no action thereon shall be maintained in the courts of this State.

Sec. 5. *Be it further ordained, and it is hereby declared*, That there is a failure of consideration, and it shall be so held by the courts of this State upon all deeds or bills of sale given for slaves with covenants or warranty of title or soundness, or both, and upon all bills, bonds, notes, or other evidences of debts given for or in consideration of slaves, which are now outstanding and unpaid, and no action shall be maintained thereon, and that all judgments and decrees rendered in any of the courts of this State since the 9th day of January, 1861, upon any deeds, or bills of sale, or upon any bill, bond, note, or other evidence of debt, based upon the sale or purchase of slaves, are hereby declared null and void, and set aside, and the plea of failure of consideration shall be held a good defense in all actions to suits of this character and nature; *Provided*, That settlement and compromise of such transactions made by the parties thereto, shall be valid and final.

Sec. 6. *Be it further ordained*, That all indebtedness incurred by the State of Mississippi or any county, or municipal corporation within said State, from the 9th day of January, 1861, to the 20th day of May, 1865, be and the same is hereby declared null and void, and shall never be paid; *Provided*, That any and all indebtedness incurred by said State, county, or municipal authorities, for necessary works of internal improvement, or for educational or charitable purposes, or for the suppression or punishment of crime, or for the proper preservation of the public property of the State, are hereby exempted from the provisions of this section, and shall ever be held sacred.

Mr. Herbert moved to indefinitely postpone the amendment, and the amendment thereto.

Mr. Niles, of Attala, presented his credentials and was sworn in.

Mr. Weir called for a division of the question on the motion of Mr. Herbert, and so much of the motion as relates to the amendment to the amendment, was, after a motion for the previous question made by Mr. Stringer not being sustained, laid over under the rules.

Mr. Gibbs moved to suspend the rules, that the minority report be put upon its first reading;

Which was lost; no quorum voting.

Mr. Clarke moved to suspend the rules and put the minority report of the committee on Ordinance and Schedule upon its first reading, and read by its title;

Which was carried, by the following vote:

YEAS—Messrs. Alderson, Bonney, Bridges, Brinson, Caldwell, Chapman, Chappell, Clarke, Combash, Cunningham, Dowd, Drane, Gaither, Gibbs, Handy, Hauser, Jacobs, Jamison, Johnson A., Leas, Montgomery, Moore, Myers, Mygatt, McKee, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Powell, Railsback, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Warren, Weir, Woodmansee, Yeoman—42.

NAYS—Messrs. Conley, Dalton, Goss, Gray, Hemmingway, Herbert, Hutto, Lack, Mayson, Musgrove, Neilson, Niles, Orr, Phillips, Richardson, Walker—16.

Mr. Gibbs moved to suspend the rules so that a motion to adjourn may be made;

A motion to table was lost;

And the motion to suspend the rules was lost.

Mr. Stiles moved to adopt the first paragraph of the majority report.

Mr. Gibbs moved to postpone until to-morrow;

Which was laid on the table.

Mr. Clarke moved the previous question;

Which was not sustained.

Messrs. Townsend and Beam were fined one day's per diem for refusing to vote upon a question.

Section 1 of the majority report of the committee on Ordinance and Schedule being read,

Mr. Stiles moved to adopt; pending which, the Convention adjourned, to meet to-morrow morning at 9 o'clock.

T. P. SEARS,
*Secretary.*

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## EIGHTIETH DAY.

JACKSON, MISS., Wednesday, April 8th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Chapman, Clarke, Combash, Chappell, Conley, Cunningham, Dalton, Dowd, Drane, Elliott John, Fawn, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Hemmingway, Herbert, Howe, Hutto, Jacobs, Jamison, Johnson A., Lack, Lawson, Leas, Leonard, Musgrove, Montgomery, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Niles, Neilson, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Phillips, Powell, Quinn, Railsback, Richardson, Stewart, Stites, Townsend, Toy, Vaughan, Walker, Warren, Weir, Williams, and Yeoman—71.

The following delegates were absent:

Messrs. Castello, Collins, Compton, Elliott James, Field, Fitzhugh, Holland, Johnson S., Jones, Kerr, Longmire, Mayson, Mask, Miles, McCutchen, Nelms, Nesbitt, Peyton E. G., Rainey, Smith, Watson, and Woodmansee—22.

Journal of yesterday read and approved.

Leaves of absence were granted, as follows:

To Mr. Mayson, for three days; to Mr. Longmire, for two days; and to Mr. S. Johnson, for five days.

The committee on Contingent Expenses made the following report:

MR. PRESIDENT: The committee on Contingent Expenses, to whom was referred the annexed account, would respectfully report that they have found the same correct, and would recommend it be allowed.

Respectfully,
U. OZANNE, *Chairman.*
W. H. GIBBS,
J. RAILSBACK,
S. C. CONLEY,
J. C. BRINSON,
*Committee.*

*Mississippi State Convention, per N. G. Gill, Sergeant-at-Arms,*
*Bought of Eyrich & Co.,*

| | |
|---|---|
| To 2½ reams letter paper, at $9 | $22 50 |
| To 300 paper fasteners | 2 25 |
| To 1,500 envelopes, at $7 50 | 11 25 |
| To 12 dozen pencils, at 75c | 9 00 |
| To 1 rubber ruler | 1 00 |
| To 1 rubber ruler | 1 25 |
| To 3 quarts ink (Arnold's), at $2 | 6 00 |
| To 1 ream letter paper | 9 00 |
| | $62 25 |

I certify that the above account is correct, and that the articles were necessary for the use of the Convention.

NELSON G. GILL,
*Sergeant-at-Arms.*

Report received, and rules suspended, and the account allowed, and warrant directed to be drawn for the amount.

Mr. Hauser moved that the Convention take up, for consideration, report on Franchise, and moved the previous question;

Which was sustained.

And the motion of Mr. Hauser was carried.

Mr. Drane was brought before the bar, and fined one day's per diem for not voting upon the question.

The amendment of Mr. Castello, introduced March 20, was taken up for consideration.

Mr. Clarke moved to lay on the table:

Which was carried.

Mr. Herbert offered the following amendment to the amendment:

Amend the 5th section of the Franchise report so as to make the same read from the begining to the end in these words:

Sec. 5. No person shall ever be eligible to the office of Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor of Public Accounts, Superintendent of Public Instruction, Judge of the High Court of Errors and Appeals, Attorney General, Judge of the Circuit Court, Judge of the Probate Court, Mayor of any city or town, Sheriff or Tax Collector of any county, or to a seat in either branch of the Legislature, who voted for or signed the ordinance of secession, adopted on the 9th day of January, 1861, in the State of Mississippi, or who ever voted for or signed any ordinance of secession adopted at any time in any other State of the American Union, or who ever held any office of profit, or trust, civil or military, by election or appointment, under the government of the so-called Confederate States, or under the government of any State while in rebellion against the government of the United States, or who ever voluntarily bore arms or aided in the same, except those persons who voted for this Convention; *Provided*, That if any case coming within the purview and meaning of the 3rd section of the amendment proposed by Congress as article 14 of the amendment of the Constitution of the United States, any person shall at any time obtain a removal of his disabilities as therein provided; the Legislature of this State may also relieve such person from such disabilities by a two thirds vote, and from that time the person or persons so relieved or pardoned, shall be eligible to any of the offices aforesaid; *And provided further*, That on the fourth day of July, A. D. 1876, a universal amnesty and pardon within this State of all political offenses in anywise connected with said rebellion, shall take place and be proclaimed restoring all men to their original rights, unless the Legislature in the meantime at its last previous session thereto, shall, by a like two-thirds vote, declare it to be unsafe for the State to do so; and if it shall then so appear to be unsafe, the said Legislature may and shall so declare and by a vote of two-thirds of that body, make said disabilities perpetual.

Mr. Hemmingway moved to table;

Which was lost.

Mr. Townsend moved to indefinitely postpone.

Mr. Dalton moved the previous question; which was not sustained.

And the amendment of Mr. Herbert lies over.

Mr. Herbert moved to suspend the rules that the amendment to the amendment might be further considered;

Which was carried, by the following vote:

Yeas—Messrs. Alcorn, Barry, Bridges, Brinson, Caldwell, Conley, Elliott John, Fawn, Handy, Herbert, Johnson A., Lawson, Leas, Leonard, Moore, Morgan, Myers, Mygatt, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Powell, Quinn, Railsback, Stewart, Stiles, Stringer, Stites, Toy, Weir, Williams, Woodmansee, and Yeoman—35.

Nays—Messrs. Alderson, Ballard, Beam, Bonney, Cunningham, Dalton, Dowd, Drane, Gaither, Gibbs Goss, Hauser, Hemmingway, Howe, Hutto, Jacobs, Lack, Musgrove, Montgomery, McKnight, Neilson, Niles, Orr, Phillips, Richardson, Stovall, Townsend, Vaughan, Walker, Warren—30.

Mr. Clarke moved that the ruling of the Convention on a previous occasion, deciding that the rules could be changed by a majority vote, be reconsidered, and that the Chair, in its former decision, be sustained.

Mr. Gibbs moved to table;

Which was lost.

Mr. Hauser moved the previous question;

Which was not sustained.

And the motion of Mr. Clarke lies over.

The Convention adjourned to meet to-morrow morning at 9 o'clock.

T. P. Sears,
*Secretary.*

## EIGHTY-FIRST DAY.

Jackson, Miss., Thursday, April 9th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Chapman, Chappell, Clarke, Combash, Conley, Dalton, Dowd, Drane, Elliott John, Fawn, Fitzhugh, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Hemmingway, Herbert, Howe, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Lack, Lawson, Leas, Leonard, Longmire, Musgrove, Montgomery, Moore, Morgan, Myers, Mygatt, McCutchen, McKnight, Neilson, Newsom, Niles, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Phillips, Powell, Quinn, Railsback, Richardson, Stewart, Stites, Stovall, Stringer, Stiles, Townsend, Toy, Vaughan, Walker, Warren, Weir, Williams, Woodmansee, and Yeoman—75.

The following delegates were absent:

Messrs. Castello, Collins, Compton, Cunningham, Elliott James, Field, Holland, Jones, Kerr, Mayson, Mask, McKee, Miles, Nelms, Nesbitt, Rainey, Smith, Peyton E. G., and Watson—19.

Journal of yesterday read and approved.

Leaves of absence were granted, to Mr. Cunningham for one day; to Mr. Kerr for five days.

The committee on Printing submitted the following report:

*To the President and Members of Constitutional Convention:*

Gentlemen—Your committee on Printing, to whom was referred a resolution in regard to the cost of printing, in book form, the Journal of the Convention, would respectfully report as follows: The ordinance on printing adopted by your honorable body, provides the form and manner in which said book shall be printed, and fixes the compensation therefor. Under this ordinance the cost of printing 2,500 copies of the Journal in book form, estimating the same to contain 600 pages, would be as follows: For the first 500 copies, of 600 pages in each copy, at five dollars per page, $3,000; and for each additional 500 copies, of 600 pages each, at three dollars per page, $1,800—making the total cost of printing 2,500 copies, as above set forth, $10,200. The estimate in regard to the probable number of pages that will be contained in said book, is based upon the Journal of the Louisiana State Convention, of the year 1864. This estimate we believe to be liberal, from the fact that said Convention, composed of 150 delegates, and continuing in session 110 days, the time allotted to each member for debate being one hour, would reasonably require, to contain its proceedings, as large a book as would be required to contain the proceedings of our own. Your committee would suggest, in the event of the Journal being published, that each copy contain therein the Constitution.

In reference to printing the Constitution in pamphlet form, estimating the number of pages in each to be fifteen, the pages to be of the same size as the Journal, the cost would be for the first 200 copies, at five dollars per page, $75; and for each additional 200 copies, at three dollars per page, $45; or for 25,000 copies of the same, $5,580.

Respectfully submitted,

Benj. H. Orr, *Chairman.*
J. Hauser,
Wm. B. Gray,
W. G. Vaughan,
*Committee.*

Mr. Stovall introduced the following:

*Resolved*, That the office of Public Printer of this Convention be, and is hereby declared vacant.

Mr. Fitzhugh moved to table;

Which was lost.

Mr. Townsend moved to amend as follows:

Insert after the word "Printer," the words "and all other officers."

Mr. Gibbs moved to table;

Which was carried.

Mr. Parsons, of Adams, moved to refer to Special Committee appointed to investigate the subject of printing.

A motion to lay on the table was lost.

Mr. Gibbs, of Wilkinson, moved to amend by referring the following Circular, in connection with the above, to the committee on Printing:

## CIRCULAR.

*To the President and Members of the Mississippi State Constitutional Convention:*

GENTLEMEN: By referring to the proceedings of the Constitutional Convention, on the third day of the session, January 10th, you will observe that the undersigned was duly elected Convention Printer, to publish the proceedings, debates, journals, etc. I hold that my election as Printer (with all the privileges and perquisites of the office, have not in any manner been abrogated or impaired), is a vested right, which I cannot be deprived of, except by forfeiture of contract, or gross neglect of duty, and then only by an impartial trial, under well established precedents.

I have incurred the expense of establishing a large office, in this place, and have devoted my time, and spent my money, to carry out the contract entered into between the Convention and myself. I have sacrificed warrants of the Convention, at fifty and sixty cents on the dollar, to keep up the office, in order to do the work of the Convention; and am only now getting the office in a condition to do the work *promptly and satisfactorily*. The bills and job work that I have executed within the past ten days, and the improved appearance of the *State Journal*, are sufficient evidences that I have applied my means to improvement of the office, that I might be enabled to render the printing satisfactory to the Convention.

If I am interrupted in my duties as Printer of the Convention, I shall suffer a heavy pecuniary loss, as it is impossible to sustain the *State Journal* without the assistance of public patronage. I would further remark, that twelve months ago I came to Mississippi, a pioneer, to establish a Republican Press in this State; and have thereby been instrumental, to a great extent, in organizing the Republican party, at a time when none other had the moral courage to assume the precarious and responsible duties of publishing a Republican newspaper in the State.

That you may be informed of the disadvantages I have labored under, I need but state that it requires a large cash outlay to carry on the office. Material must be paid for in cash; the men employed must have regular weekly settlements; and every expense connected with the office requires cash payment. The Convention being unable to pay me in money, I accepted warrants, which I was compelled to sacrifice at a heavy discount, amounting up to this time to a direct loss to me of four thousand eight hundred dollars ($4,800). By being deprived of the printing, I should be compelled to relinquish the office to Col. E. M. Yerger, from whom I purchased it. It would, therefore, entail a loss upon me of $4,000, already paid on the office, besides the $4,800 lost discounting warrants. Should the Convention interfere with the privileges of my office, it would be a poor reciprocation for the personal sacrifices I have made in advancing the interests of the Republican party; and could only detract from your dignity and reputation for fair dealing.

It is unreasonable to suppose that the Convention will so stultify itself as to abrogate its own deliberate act, and that, too, without a just excuse for so flagrant an exhibition of bad faith. If such a precedent is established by your honorable body, neither your President, your Secretary, your Auditor, or any other officer of your body, can feel securely installed in office.

With an abiding confidence in the justness of your decision,

I have the honor to be, most respectfully,
Your ob't serv't,
James Dugan,
*Convention Printer.*

Mr. Combash moved the previous question;

Which was sustained.

And the amendment was adopted, by the following vote:

Yeas—Messrs. Alcorn, Barry, Ballard, Beam, Bonney, Brinson, Caldwell, Chappell, Clarke, Conley, Dalton, Dowd, Drane, Elliott John, Fawn, Gibbs, Handy, Hauser, Hemmingway, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Leonard, Moore, Morgan, Myers, Mygatt, McKnight, Newsom, Niles, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Phillips, Powell, Quinn, Railsback, Stewart, Stites, Stovall, Stringer, Stiles, Townsend, Toy, Vaughan, Warren, and Williams—50.

Nays—Messrs. Alderson, Combash, Fitzhugh, Gaither, Gray, Herbert, Howe, Lack, Lawson, Leas, Musgrove, Montgomery, McCutchen, Neilson, Orr, Richardson, Weir, and Yeoman —18.

And the motion to refer was carried.

Mr. Hauser moved to suspend the rules to take up the report of the committee on Franchise.

Mr. Townsend moved to amend the resolution of Mr. Hauser as follows:

That no other business be considered until the question of Franchise is disposed of.

Mr. Morgan moved to table the amendment of Mr. Townsend; which was carried.

Mr. Stiles moved to table the motion to suspend the rules;

Which was lost.

And the motion of Mr. Hauser to suspend the rules was carried.

And the amendment of Mr. Herbert, introduced yesterday, was lost, by the following vote:

YEAS—Messrs. Bridges, Caldwell, Fitzhugh, Handy, Herbert, Johnson A., Leas, Leonard, Mygatt, Powell, Stewart, and Woodmansee—12.

NAYS—Messrs. Alderson, Alcorn, Ballard, Bonney, Brinson, Chapmon, Clarke, Conley, Dalton, Dowd, Elliott John, Gaither, Gibbs, Goss, Gray, Hauser, Hemmingway, Hutto, Jacobs, Johnson S., Lack, Lawson, Musgrove, Montgomery, Moore, Morgan, Myers, McKnight, Neilson, Newsom, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Phillips, Quinn, Railsback, Richardson, Stites, Stovall, Stringer, Stiles, Townsend, Toy, Walker, Warren, Weir, and Yeoman—49.

Mr. Mygatt introduced the following:

No person shall be eligible to any office of honor, profit, or trust, in this State, who voted for secession, or signed the ordinance of secession, or who bore arms against the United States, or held office, civil or military, under the so-called Confederate States, or under any Confederate State, or who gave aid or comfort to the enemies of the United States; *Provided*, The Legislature, by a majority vote, may, on proof of loyalty, and no other condition, remove said disabilities, and allow such persons to hold any office within the gift of the people of this State.

Mr. Montgomery moved to lay on the table;

Which was carried.

And the amendment of Mr. Alderson, introduced March 19th, was taken up.

Previous question called, call not sustained;

And the amendment lies over.

Mr. Alderson moved to reconsider.

Mr. F. Parsons moved to table the motion to reconsider;

Which was carried.

And section 7 of the report was adopted, and reads as follows:

SECTION 7. In time of war, insurrection, or rebellion, the right to vote at such place, and in such manner as shall be prescribed by law, shall be enjoyed by all persons otherwise entitled thereto, who may be in the actual military or naval service of the United States or this State; *Provided*, Said votes be made to apply in the county or precinct wherein they reside.

And section 8 was adopted, and reads as follows:

SEC. 8. No elector shall be deemed to have gained or lost his residence by reason of absence therefrom in the service of the United States, or of this State, nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas, nor while a student of learning, nor while kept at any asylum at public expense.

Section 9:

Mr. Ozanne moved to indefinitely postpone the consideration of the same.

Mr. Alderson moved to amend as follows:

Amend in second line, between the word "sold" and the word "on," by inserting the words "or given away," and add to the section the words "under such penalty as may be prescribed by law."

Mr. Orr offered the following:

*Provided*, All places of business, of every description, shall also be closed and that all persons shall be required to vote for the Constitution;

Which was laid on the table.

Mr. Chappell moved to amend as follows: Insert the words "or drank," after the amendment of the gentleman from Jefferson.

The special order of the day was called up, being the resolution offered by Mr. Vaughan in relation to printing the official journal in book form.

Mr. Phillips offered the following:

*Resolved*, That the printing of the Constitution, debates, etc., be let out to the lowest bidder.

Mr. Gibbs moved to defer the consideration of the subject until the committee, having under consideration the matter of the removal of the Public Printer, report;

Which was carried.

Mr. Orr moved that the rules be suspended in order that a motion to adjourn might be offered.

A motion to table was lost.

Mr. E. A. Peyton moved the previous question;

Which was sustained.

And the motion of Mr. Orr was lost, by the following vote:

YEAS—Messrs. Alcorn, Barry, Chapman, Elliott John, Gaither, Herbert, Jamison, McCutchen, Orr, Parsons J. R., Powell, Richardson, Stiles, Townsend, Toy, Williams—16.

NAYS—Messrs. Alderson, Bonney, Bridges, Brinson, Caldwell, Chappell, Conley, Dowd, Drane, Fawn, Fitzhugh, Gibbs, Goss, Gray, Handy, Hemmingway, Hutto, Jacobs, Johnson S., Johnson A., Lack, Lawson, Leas, Musgrove, Moore, Myers, Mygatt, Newsom, Niles, Parsons F., Peyton E. A., Phillips, Railsback, Stewart, Stites. Stringer, Vaughan, Warren, Weir, Yeoman—40.

Mr. Gibbs moved to reconsider the vote;

Pending which, the Convention adjourned until 9 o'clock to-morrow morning.

T. P. SEARS,  
*Secretary*.

## EIGHTY-SECOND DAY.

JACKSON, MISS., Friday, April 10th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Chapman, Chappell, Clarke, Combash, Conley, Cunningham, Dalton, Dowd, Drane, Elliott John, Fitzhugh, Fawn, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Hemmingway, Herbert, Hutto, Jacobs, Johnson S., Johnson A., Lack, Lawson, Leas, Leonard, Longmire, Mayson, Musgrove, Montgomery, Moore, Morgan, Myers, Mygatt, McCutchen, McKnight, Newsom, Niles, Orr, Ozanne, Parsons J. R., Parsons F., Peyton E. A., Phillips, Powell, Railsback, Richardson, Stewart, Stites, Stovall, Stringer, Stiles, Townsend, Toy, Vaughan, Walker, Warren, Weir, Williams, Woodmansee, and Yeoman—73.

The following delegates were absent:

Messrs. Castello, Compton, Collins, Elliott James, Field, Holland, Howe, Jones, Kerr, Mask, Miles, McKee, Neilson, Nelms, Nesbitt, Peyton E. G., Quinn, Rainey, Smith, and Watson—20.

Journal of yesterday read and approved.

Leaves of absence were granted, to Mr. Lack from day to day; to Mr. Hutto until Wednesday next; to Mr. Nesbitt for ten days; to Mr. Neilson for five days; to Mr. Walker for ten days; to Mr. James Elliott for five days; to Mr. Stewart for seven days; to Mr. Richardson until Monday next, and to Mr. Myers until Tuesday.

Mr. Vaughan moved that sundry accounts for Sheriff's services in Lafayette county, in the Convention election, be referred to the Finance Committee;

Which was laid on the table.

A remonstrance against the formation of a new county, from sundry citizens of Tishomingo, and asking that so much of the ordinance in reference to creating new counties as relates to Columbia county be repealed, was referred to the committee on County Boundaries.

Mr. Chapman introduced the following:

*Resolved*, That five thousand copies of the report of the committee on Public Lands be printed in pamphlet form for distribution.

A motion to lay on the table was lost.

Previous question called, call sustained; and the resolution was adopted, by the following vote:

YEAS—Messrs. Ballard, Barry, Bridges, Brinson, Caldwell, Chapman, Chappell, Clarke, Combash, Drane, Fawn, Handy, Herbert, Jacobs, Johnson A., Lawson, Leas, Leonard, Mayson, Moore, Morgan, Myers, Mygatt, McKnight, Newsom, Ozanne, Parsons J. R., Parsons F., Peyton E. A., Powell, Railsback, Richardson, Stewart, Stites, Stringer, Stiles, Toy, Warren, Williams, Woodmansee, and Yeoman—41.

NAYS—Messrs. Alcorn, Beam, Bonney, Conley, Cunningham, Dalton, Dowd, Elliott John, Fitzhugh, Gaither, Gibbs, Goss, Gray, Hemmingway, Howe, Hutto, Jamison, Johnson S., Lack, Longmire, Musgrove, Montgomery, McCutchen, Niles, Orr, Phillips, Stovall, Townsend, Vaughan, Walker, and Weir—31.

Mr. Stiles moved to reconsider.

Mr. Stringer moved to lay on the table;

Which was lost.

Mr. Cunningham moved the previous question, which was sustained; and the motion to reconsider prevailed, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Barry, Beam, Bonney, Bridges, Conley, Cunningham, Dalton, Dowd, Elliott John, Fawn, Fitzhugh, Gaither, Gibbs, Goss, Gray, Hemmingway, Herbert, Howe, Hutto, Jacobs, Jamison, Johnson S., Lack, Lawson, Leas, Longmire, Musgrove, Montgomery, McKnight, Niles, Orr, Ozanne, Parsons F., Phillips, Powell, Railsback Richardson, Stites, Stovall, Stiles, Townsend, Vaughan, Walker Weir, and Yeoman—47.

NAYS—Messrs. Ballard, Caldwell, Chapman, Chappell, Clarke, Combash, Drane, Handy, Johnson A., Mayson, Moore, Morgan, Myers, Mygatt, Newsom, Parsons J. R., Peyton E. A., Stewart, Stringer, and Warren—20.

Mr. Cunningham moved the previous question, which was sustained; and the resolution was lost.

Mr. Cunningham moved to suspend the rules and take up the report of the committee on Franchise;

Which was carried.

The amendment of Mr. Alderson, introduced on the 19th of March, to section 5, came up for consideration.

Mr. Morgan submitted the following amendment to the amendment:

Amend section 5 by striking out all after the word "accounts," in the fifth line, and insert so that the section will read as follows:

No person shall ever be eligible to the office of Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Auditor of Public Accounts, Superintendant of Public Instruction, or to a seat in either branch of the Legislature, or to the office of Judge of any Court, or Sheriff of any county, or Mayor of any city or town, or to the office of Justice of the Peace in this State, whoever held any office of profit or trust, civil or military, by election or appointment, under the so-called Confederate Government, or under the Government of any of the so-called Confederate States, or whoever voluntarily bore arms against the United States, or aided or abetted the said Confederate Government or rebellion against the United States in any measure, except all persons who aided reconstruction by voting for this Convention, until they shall have had all political disabilities removed prior to election or appointment to any office by a majority vote of the Legislature on joint ballot, the Governor concurring therein.

Mr. Gibbs offered the following:

*Resolved*, That the section and all the amendments offered thereto, be referred to a special committee of five.

Mr. Stringer moved to table the resolution;

Which was lost.

Mr. Herbert moved to amend the resolution of Mr. Gibbs as follows:

That the whole subject be referred to Committee of the Whole;

Which was carried.

The Convention went into Committee of the Whole, committee rose, and through their chairman, Mr. Musgrove, reported progress.

Mr. Orr moved to table the amendment of Mr. Morgan;

Which was lost, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Beam, Dalton, Dowd, Elliott John, Gaither, Goss, Gray, Hemmingway, Howe, Hutto, Jacobs, Jamison, Johnson S., Longmire, Musgrove, Montgomery, McCutchen, Niles, Orr, Parsons F., Phillips, Railsback, Stovall, Stiles, Townsend, Vaughan, Walker, and Warren—30.

NAYS—Messrs. Barry, Bonney, Bridges, Brinson, Caldwell, Chappell, Clarke, Combash, Cunningham, Drane, Fawn, Fitzhugh, Gibbs, Handy, Herbert, Johnson A., Lawson, Leas, Leonard, Mayson, Moore, Morgan, Myers, Mygatt, McKnignt, Newsom, Ozanne, Peytan E. A., Powell, Richardson, Stewart, Stringer, Weir, Williams, Woodmansee, and Yeoman—36.

Mr. Gibbs moved to suspend the rules, to permit the introduction of a resolution.

Mr. Parsons, of Adams, moved to table;

Which was lost, by the following vote:

YEAS—Messrs. Fitzhugh, Leas, Parsons F., Warren, Weir, Woodmansee—6.

NAYS—Messrs. Alderson, Alcorn, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Clarke, Combash, Conley, Cunningham, Dalton, Dowd, Drane, Elliott John, Fawn, Gaither, Gibbs, Goss, Gray, Handy, Hemmingway, Herbert, Howe, Hutto, Jacobs, Johnson S., Johnson A., Leonard, Longmire, Mayson, Musgrove, Montgomery, Moore, Morgan, Myers, McKnight, Mygatt, Newsom, Niles, Orr, Ozanne, Peyton E. A., Phillips, Powell, Railsback, Richardson, Stewart, Stovall, Stringer, Stiles, Townsend, Vaughan, Walker, Williams, and Yeoman—57.

And the motion to suspend the rules was carried.

Convention adjourned until to-morrow morning, at 9 o'clock.

T. P. SEARS,
*Secretary.*

## EIGHTY-THIRD DAY.

JACKSON, MISS., Saturday, April 11th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Beam, Bridges, Brinson, Caldwell, Chapman, Chappell, Clarke, Combash, Conley, Cunningham, Dalton, Dowd, Drane, Elliott John, Fawn, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Hemmingway, Herbert, Howe, Jacobs, Jamison, Johnson S., Johnson A., Lawson, Leas, Leonard, Longmire, Mayson, Musgrove, Montgomery, Moore, Morgan, Myers, Mygatt, McCutchen, Newsom, Niles, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Phillips, Powell, Quinn, Railsback, Stewart, Stites, Stovall, Stiles, Townsend, Vaughan, Weir, Williams, Woodmansee, and Yeoman—64.

The following delegates were absent:

Messrs. Barry, Bonney, Castello, Collins, Compton, Elliott James, Fitzhugh, Field, Holland, Hutto, Jones, Kerr, Lack, Mask, Miles, McKee, McKnight, Neilson, Nelms, Nesbitt, Orr, Peyton E. G., Rainey, Richardson, Smith, Stringer, Toy, Walker, Watson, Warren—30.

Journal of yesterday read and approved.

Leaves of absence were granted, to Mr. McKee for two days; Mr. Bonney for one day; Mr. Castello for two days; Mr. McKnight for four days; Mr. Orr for one day; Mr. Bridges for two days; Mr. Jones from day to day, and Mr. Cunningham until Monday next.

Mr. Cunningham moved to suspend the rules to take up the report of the committee on Franchise.

The amendment of Mr. Morgan, submitted yesterday, was taken up.

Mr. Fitzhugh moved the previous question;

Which was sustained;

And the amendment of Mr. Morgan was lost, by the following vote:

YEAS—Messrs. Barry, Bridges, Brinson, Caldwell, Chapman, Clarke, Combash, Drane, Fawn, Handy, Johnson A., Leas, Leonard, Mayson, Moore, Morgan, Myers, Mygatt, Ozanne, Peyton E. A., Powell, Stewart, Stringer, Toy, Weir, Woodmansee, and Yeoman—27.

NAYS—Messrs. Alderson, Alcorn, Ballard, Beam, Chappell, Conley, Cunningham, Dalton, Elliott John, Fitzhugh, Gaither, Gibbs, Goss, Gray, Hauser, Hemmingway, Herbert, Howe, Jacobs, Jamison, Johnson S., Lawson, Longmire, Musgrove, Montgomery, McCutchen, Newsom, Niles, Parsons F., Parsons J. R., Phillips, Quinn, Railsback, Stites, Stovall, Stiles, Townsend, Vaughan, and Warren—40.

And the amendment of Mr. Alderson was lost.

Section 5, as amended March 20, was lost, by the following vote:

Yeas—Messrs. Barry, Bridges Clarke, Drane, Fawn, Lawson, Mayson, Moore, Mygatt, Powell, Stewart, and Toy—12.

Nays—Messrs. Alderson, Alcorn, Ballard, Beam, Brinson, Caldwell, Chapman, Chappell, Combash, Conley, Cunningham, Dalton, Elliott John, Fitzhugh, Gaither, Gibbs, Goss, Gray, Handy, Hemmingway, Herbert, Howe, Jacobs, Jamison, Johnson S., Johnson A., Leas, Leonard, Longmire, Musgrove, Montgomery, Morgan, Myers, McCutchen, Newsom, Niles, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Phillips, Quinn, Railsback, Stites, Stovall, Stringer, Stiles, Townsend, Vaughan, Warren, Weir, Williams, Woodmansee, and Yeoman—54.

Section 9:

The amendment of Mr. Chappell to the amendment was lost.

Mr. Conley moved to amend by adding:

"And it shall be the duty of the Legislature to enact such laws as may be necessary to carry out this provision, and effectually prevent a violation thereof."

Mr. Gibbs moved to table the section and amendment thereto;

Which was carried.

Section 10:

Mr. F. Parsons offered the following amendment:

Strike out all after section 10, and insert the following: "No person shall be eligible to any office, civil or military, in this State, who signed the ordinance of secession, in the Convention of 1861, or who, having previously taken an oath to support the Constitution of the United States, shall have engaged in rebellion against the same, or given aid and comfort to the enemies thereof; but the Legislature may remove such disabilities upon satisfactory proof of loyalty to the Constitution and Government of the United States, and to the Constitution and Government of the State of Mississippi."

A motion to lay the amendment on the table was lost, by the following vote:

Yeas—Messrs. Ballard, Clarke, Combash, Cunningham, Drane, Gaither, Gibbs, Goss, Gray, Howe, Johnson S., Leas, Longmire, Morgan, Mygatt, McCutchen, Ozanne, Powell, Stewart, Stovall, Vaughan, Woodmansee, and Yeoman—23.

Nays—Messrs. Alderson, Alcorn, Beam, Bridges, Brinson, Caldwell, Chappell, Conley, Dalton, Elliott John, Fitzhugh, Handy, Hauser, Hemmingway, Herbert, Jacobs, Jamison, Johnson A., Lawson, Leonard, Musgrove, Montgomery, Moore, Myers, Newsom, Niles, Parsons F., Parsons J. R., Peyton E. A., Phillips, Railsback, Stites, Stringer, Stiles, Townsend, Toy, Warren, and Weir—38.

Mr. Hemmingway submitted the following:

That no person shall be disqualified for holding office except such as are precluded by the proposed amendment to the Constitution of the United States, known as article 14, to-wit: "No person shall ever be a Senator or Representative in Congress, or elector for President or Vice President, or hold any office, civil or military, under the United States, or under any State, who having previously taken an oath as member of Congress or as an officer of the United States or as a member of any State Legislature, or as an Executive or Judicial officer of any State to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid and comfort to the enemies thereof. But Congress may, by a two-thirds vote of each House, remove such disability."

A motion to lay on the table was lost, by the following vote:

YEAS—Messrs. Caldwell, Chappell, Clarke, Cunningham, Drane, Fitzhugh, Jacobs, Lawson, Leas, Mygatt, Newsom, Parsons F., Parsons J. R., Peyton E. A., Powell, Railsback, Stewart, Toy, Vaughan, Warren, Weir, Woodmansee, Yeoman—23.

NAYS—Messrs. Alderson, Alcorn, Ballard, Beam, Bridges, Brinson, Combash, Conley, Dalton, Elliott John, Fawn, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Hemmingway, Herbert, Howe, Jamison, Johnson S., Johnson A., Leonard, Longmire, Mayson, Musgrove, Montgomery, Moore, Morgan, Myers, McCutchen, Niles, Ozanne, Phillips, Stites, Stovall, Stringer, Stiles, and Townsend—40.

Mr. Mygatt moved to indefinitely postpone the section and amendments.

Mr. Fitzhugh moved to lay on the table;

Which was carried.

Mr. Morgan, moved the previous question, which was not sustained; and the section lies over.

Section 11:

Previous question not sustained, and the section lies over.

Mr. Cunningham offered the following as an additional section:

No person shall ever be eligible to the office of Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Auditor of Public Accounts, Superintendent of Public Instruction, or to a seat in either branch of the Legislature, or to the office of Judge of any Court, or Sheriff of any county, or Mayor of any city or town, or to the office of Justice of the Peace in this State, whoever held any office of profit or trust, civil or military, by election or appointment under the so-called Confederate Government, or under the government of any of the so-called Confederate States, or who, at any time prior to the late war, advocated the secession of the State of Mississippi from the United States Government, or voted for the secession candidates to the Convention of this State which passed the ordinance of secession, and placed the State of Mississippi in rebellion against the Government of the United States, except those who aided reconstruction by voting for this Convention.

Mr. Warren offered the following amendment:

No person shall hold any office, civil or military, in this State, who is disqualified by the proposed amendment to the Constitution of the United States, known as article fourteen, but the

Legislature may, upon joint ballot, remove such disabilities as Congress has previously removed.

Mr. Combash offered the following amendment to the amendment:

No person shall hold office in this State, civil or military, who, having previously taken an oath as member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid and comfort to the enemies thereof; but the Legislature may, by a vote of two-thirds of each house, remove such disability; *Provided, however*, That no person shall vote for or against any civil officer who did not vote for this Convention, unless he shall first take and sign an oath that he will support and vote for the ratification of this Constitution and obey such laws as may be passed by the Legislature in accordance with its provisions.

Which was laid on the table.

Mr. Gibbs moved to lay the section and amendment thereto on the table.

A division of the question being called, the motion to table the amendment was lost, by the following vote:

YEAS—Messrs. Alderson, Bridges, Brinson, Clarke, Cunningham, Drane, Fawn, Fitzhugh, Gibbs, Jacobs, Jamison, Leas, Moore, Mygatt, Newsom, Ozanne, Parsons F., Powell, Stewart, Stringer, Toy, Vaughan, Weir, Woodmansee, and Yeoman—25.

NAYS - Messrs. Ballard, Beam, Caldwell, Combash, Conley, Dalton, Elliott John, Gaither, Goss, Gray, Handy, Hauser-Hemmingway, Herbert, Howe, Johnson S., Johnson A., Lawson, Leonard, Longmire, Mayson, Musgrove, Montgomery, Morgan, Myers, McCutchen, Niles, Peyton E. A., Phillips, Railsback, Stovall, Stiles, Townsend, and Warren—34.

And so much of the motion to table as relates to laying the section on the table, was lost, by the following vote:

YEAS—Messrs. Alderson, Ballard, Beam, Conley, Dalton, Elliott John, Fawn, Gaither, Gibbs, Goss, Gray, Hemmingway, Herbert, Howe, Jacobs, Johnson S., Longmire, Musgrove, Montgomery, McCutchen, Niles, Parsons F., Phillips, Railsback, Stovall, Stiles, Townsend, Vaughan, and Warren—29.

NAYS—Messrs. Bridges, Brinson, Chappell, Clarke, Combash, Cunningham, Drane, Fitzhugh, Handy, Hauser, Jamison, Johnson A., Lawson, Leas, Leonard, Mayson, Moore, Morgan, Myers, Mygatt, Newsom, Ozanne, Peyton E. A., Powell, Stewart, Stringer, Toy, Weir, Woodmansee, and Yeoman—30.

Mr. Gibbs moved the previous question;

Which was sustained.

And the amendment of Mr. Warren was adopted.

And the section introduced by Mr. Cunningham, as amended, was lost, by the following vote:

YEAS—Messrs. Bridges, Caldwell, Chappell, Clarke, Cunningham, Fawn, Handy, Hauser, Johnson A., Lawson, Leas, Mayson, Musgrove, Moore, Morgon, Myers, Mygatt, Ozanne, Peyton E. A., Powell, Stewart, Stringer, Styles, Toy, Warren, Weir, Williams, Woodmanssee, and Yeoman—29.

Nays—Messrs, Alderson, Ballard, Barry, Beam, Brinson, Combash, Conley, Dalton, Elliott John, Fitzhugh, Gaither, Gibbs, Goss, Gray, Hemmingway, Herbert, Howe, Jacobs, Jamison, Johnson S, Longmire, Montgomery, McCutchen, Niles, Parsons F., Phillips, Railsback, Stovall, Townsend, and Vaughan—30.

Convention adjourned until Monday morning, at 9 o'clock.

T. P. Sears.
*Secretary.*

## EIGHTY-FOURTH DAY.

Jackson, Miss., Monday, April 13th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Barry, Ballard, Beam, Bonney, Bridges, Brinson, Caldwell, Chappell, Clarke, Combash, Conley, Dalton, Drane, Elliott John, Fawn, Fitzhugh, Gaither, Gibbs, Gray, Handy, Hauser, Hemmingway, Herbert, Howe, Jacobs, Jamison, Johnson A., Lawson, Leas, Leonard, Longmire, Mayson, Musgrove, Montgomery, Moore, Morgan, Myers, Mygatt, McCutchen, Nesbitt, Newsom, Niles, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Phillips, Powell, Quinn, Railsback, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Townsend, Vaughan, Warren, Weir, Williams, Woodmansee, and Yeoman—67.

The following delegates were absent:

Messrs. Castello, Chapman, Collins, Compton, Cunningham, Dowd, Elliott Jas., Field, Goss, Holland, Hutto, Johnson S., Jones, Kerr, Lack, Mask, Miles, McKee, McKnight, Neilson, Nelms, Peyton, E. G., Rainey, Richardson, Smith, Walker, and Watson—27.

Journal of Saturday was read and approved.

Leaves of absence was granted, to Mr. Dowd for five days; Mr. Compton for one week; Mr. Chapman for three days.

The committee on Contingent Expenses reported the following:

Mr. President: The committee on Contingent Expenses, to whom was referred the annexed account, after due examination, found the same correct, and recommend that it be allowed.

Respectfully,

U. OZANNE,
*Chairman.*
W. H. GIBBS,
S. C. CONLEY,
J. RAILSBACK,
JNO. C. BRINSON,
*Committee.*

JACKSON, MISS., April 9th, 1868.

*The State of Mississippi,*
*To Tazwell Jones,* DR.

| | |
|---|---|
| To chopping wood, and other services rendered the State in taking care of buildings connected with the Capitol, from March 21, to April 9, 1868—19 days, at $2 50 per day | $47 50 |

The certificate of the Sergeant-at-Arms, N. G. Gill, is appended to the above, certifying to the correctness of the same, and the rendering of the services as stated in the bill.

Report received.

Rules suspended, account allowed, and warrant ordered to be issued.

Mr. E. A. Peyton offered the following:

*Resolved,* That the President of this Convention is hereby authorized to add two additional members to the committee appointed to investigate the affairs of the Public Printer;

Which was adopted.

Whereupon the Chair appointed Mr. Peyton, of Hinds, and Mr. Bridges, of Choctaw.

Mr. Alderson offered the following:

WHEREAS, It has become the duty of the Auditor of Public Accounts to issue warrants in payment of all expenses of this Convention, and make settlements with the various Tax Collectors of this State, and do a large amount of business over and above the regular duties of his office; therefore, be it

*Resolved,* That it is proper and right that this Convention should allow the said Auditor a just compensation for said services; and be it further

*Resolved,* That a committee of five be appointed to confer with the said Auditor and ascertain the extra labor and expense occasioned by reason of the additional services imposed on him as above stated; also to ascertain what additional labor is imposed on the State Treasurer and report what would be a just compensation to said Treasurer for said extra services;

Which was adopted.

Mr. Gibbs, of Wilkinson, offered the following:

*Resolved,* That 50,000 copies of the ordinance on Contracts, passed by this Convention, be printed in circular form for circulation, and that the Commanding General of this district be requested to enforce the provisions of the same;

Which was adopted.

Mr. Gibbs, of Wilkinson, offered the following:

*Resolved*, That the committee on Printing be, and are hereby ordered to report what accounts have been audited by said committee for printing the Journal, etc., in the Meridian *Chronicle* and Vicksburg *Republican*, and how much money has been paid said papers;

Which was adopted.

Mr. Fitzhugh offered the following:

WHEREAS, The subject of mixed schools is left by this Constitution to the Legislature; therefore, be it

*Resolved*, That it is the sense of this Convention that separate schools for the races ought not to be established.

Mr. Morgan moved to table;

Which was carried.

YEAS—Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Chappell, Clarke, Conley, Drane, Fawn, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Hemmingway, Herbert, Howe, Jacobs, Jamison, Lawson, Leas, Leonard, Longmire, Musgrove, Montgomery, Moore, Morgan, Mygatt, McCutchen, Newsom, Orr, Ozanne, Parsons F., Parsons, J. R., Peyton E. A,, Phillips, Powell, Quinn, Railsback, Stewart, Stites, Stovall, Stringer, Stiles, Townsend, Toy, Vaughan, Warren, Weir, Williams, Woodmansee, and Yeoman—58.

NAYS—Mr. Fitzhugh—1.

Mr. Morgan presented a communication from C. T. Lawson, claiming additional pay as clerk of committee on County Boundaries;

Which was received.

Mr. Morgan moved its reference to the committee on Contingent Expenses.

Mr. Parsons, of Adams, moved to amend, by referring to committee on County Boundaries.

Mr. Morgan moved to amend, as follows:

That the petition be referred to the committee on Contingent Expenses, to investigate the claim, and report thereon.

The previous question was called, call sustained;

And the amendment of Mr. Morgan was adopted.

And the motion of Mr. Parsons, as amended, was carried.

Mr. Fitzhugh moved to suspend the rules, to permit the introduction of a resolution.

The rules were suspended, and Mr. Parsons offered the following:

*Resolved*, That the State Treasurer be requested to furnish this Convention with the names of all Sheriffs who have not made their reports to him, in accordance with section seven of an Ordinance passed by this Convention, February 27th, 1868, levying a tax to defray the expenses of the same.

Which was adopted.

The report of the committee on Franchise came up for consideration.

Mr. Alcorn moved to postpone until to-morrow morning, at 10 o'clock.

Mr. Clarke moved to table;

Which was lost.

And the motion of Mr. Alcorn was carried.

Report of committee on Ordinance and Schedule came up for its second reading.

And Mr. Gibbs, of Wilkinson, moved to take up the minority report upon the same.

Mr. Clarke, of Yazoo, moved to take up majority report.

Mr. Fitzhugh moved to table;

Which was lost.

And the motion of Mr. Clark was lost.

And the motion of Mr. Gibbs was carried.

Paragraph 1 came up for consideration, viz: the mode of revising the Constitution.

Mr. Musgrove offered the following:

If more than one amendment shall be submitted at one time, they shall be submitted in such manner and form that the people may vote for or against each amendment separately;

Which was adopted.

Mr. Herbert moved to amend, as follows:

Insert the words, "of the members present," after the word "thirds," in first line.

Which was laid on the table.

And the paragraph was adopted, as amended, and reads as follows:

## MODE OF REVISING THE CONSTITUTION.

Whenever two-thirds of each branch of the Legislature shall deem any change, alteration or amendment necessary to this Constitution, such proposed change, alteration or amendment shall be read and passed by a majority of two-thirds of each house, respectively, on each day, for three several days; public notice shall then be given by the Secretary of State, at least three months preceding the next general election, at which the qualified electors shall vote directly for or against such change, alteration or amendment; and if more than one amendment shall be submitted at one time, they shall be submitted in such manner and form that the people may vote for or against each amendment separately; and if it shall appear that a majority of the qualified electors, voting for members of the Legislature, shall have voted for the proposed change, alteration, or amendment, then it shall be inserted by the next succeeding Legislature as a part of this Constitution, and not otherwise.

### SCHEDULE.

Section 1:

Mr. Weir moved to amend, as follows:

Insert in eighth line, first section, between the words " Mississippi and on," the words " and all laws enacted and acts done by officers sworn to support the Constitution and Government of the so-called Confederate States.

Mr. Herbert moved to table;

Which wast lost.

Mr. Parsons offered the following amendment to the amendment:

Strike out the word " adopted," in sixth line, and insert the words " framed by the so-called Convention;

Which was lost.

Mr. Orr offered the following amendment to the amendment:

Strike out, in fifth line, all after the word " the," to " and," in the sixth line, and insert the word " present," after the word " the," in the fifth line, and the word " of," after the word " Constitution," in the seventh line; strike out the words " framed," in and " for," in the seventh line.

Which was adopted.

Mr. Fitzhugh moved the previous question;

Which was not sustained.

And the section lies over.

Section 2:

Mr. Alderson moved to amend by inserting the word "river," after the word " Mississippi," in the fourteenth line.

Mr. Goss moved to amend by striking out all of thirteenth, fourteenth, fifteenth and sixteenth lines.

Mr. Mygatt moved to table;

Which was carried.

Mr. Orr moved to recommit section 2.

Mr. Gibbs moved to table the motion to recommit;

Which was carried.

And the amendment of Mr. Alderson was adopted.

Mr. Morgan moved to strike out the thirteenth, fourteenth, and fifteenth lines.

Mr. Mygatt moved to table;

Which was lost.

Pending the further consideration of section 2, the Convention adjournned to meet to-morrow morning at 9 o'clock.

T. P. Sears,
*Secretary.*

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## EIGHTY-FIFTH DAY.

Jackson, Miss., Tuesday, April 14th, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chappell, Clarke, Combash, Conley, Cunningham, Dalton, Drane, Elliott John, Fawn, Fitzhugh, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Hemmingway, Herbert, Howe, Jacobs, Jamison, Johnson A., Lawson, Leas, Leonard, Longmire, Mayson, Musgrove, Montgomery, Moore, Morgan, Myers, Mygatt, McCutchen, Nesbitt, Newsom, Niles, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Phillips, Powell, Quinn, Railsback, Stewart, Stites, Stovall, Stringer, Stiles, Townsend, Toy, Vaughan, Warren, Weir, Williams, Woodmansee, Yeoman—70.

The following delegates were absent:

Messrs. Chapman, Collins, Compton, Dowd, Elliott James, Field, Holland, Hutto, Johnson S., Jones, Kerr, Lack, Mask, Miles, McKee, McKnight, Neilson, Nelms, Peyton E. G., Rainey, Richardson, Smith, Walker, Watson—24.

Journal of yesterday read and approved.

Leaves of absence were granted, the Assistant Secretary for five days; to Mr. S. Johnson for five days; to Messrs. Richardson and Holland from day to day, and to Mr. Stites for six days.

Mr. F. Parsons moved to suspend the rules, to take up the report of the committee on Ordinance and Schedule, and moved the previous question;

Which was not sustained

And the motion of Mr. Parsons was carried.

Section 1 of Schedule was taken up.

Mr. Townsend moved to reconsider the vote adopting the amendment to the amendment introduced by Mr. Orr yesterday;

Which was carried.

Mr. Orr was granted leave to withdraw his amendment.

Mr. F. Parsons moved to lay the amendment of Mr. Weir on the table, which was carried, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Ballard, Beam, Bonney, Caldwell, Castello, Combash, Conley, Cunningham, Drane, Fawn, Fitzhugh, Gaither, Gibbs, Goss, Gray, Handy, Hemmingway, Herbert, Howe, Jacobs, Jamison, Johnson A., Lawson, Leas, Leonard, Longmire, Mayson, Musgrove, Montgomery, Moore, Morgan, Myers, Mygatt, McCutchen, Newsom, Orr, Parsons F., Peyton E. A., Phillips, Powell, Quinn, Railsback, Stewart, Stovall, Stringer, Stiles, Townsend, Vaughan, Warren, Williams, Woodmansee, Yeoman—54.

Nays—Messrs. Bridges, Hauser, Weir—3.

Mr. Orr moved to amend as follows:

Strike out in the fifth line all after the word "the," to the word "and," in the sixth line, and insert the word "present" after the word "the," in the fifth line, and the word "of," after the word "Constitution," in the seventh line; strike out the words "frame, in and for," in the seventh line;

Which was carried.

And section 1 was adopted, and reads as follows:

Sec. 1. The Ordinance of Secession of the State of Mississippi, passed January 9th, 1861, is hereby declared to be null and void; the present, and all previous Constitutions of the State of Mississippi, are hereby declared to be repealed and annulled by this Constitution.

Section 2:

The amendment offered by Mr. Morgan, yesterday, pending adjournment, was lost.

Mr. Barry moved to amend as follows:

Insert after the word "State," in the second line, the words "not enacted in furtherance of secession and rebellion, and;"

Which was carried.

Mr. Castello moved to add the following additional paragraph:

An Act to provide for the removal and location of the seat of justice of Scott county, approved November 8th, 1865. An Act supplemental to an Act entitled "an Act to provide for the removal and location of the seat of justice of Scott county," approved Nov. 8th, A. D. 1865; approved Dec. 1st, 1865; which was carried.

And section 2 was adopted, as amended, and reads as follows:

Sec. 2. All laws now in force in this State, not enacted in furtherance of secession and rebellion, and not repugnant to this Constitution, shall continue in operation until they shall expire by their own limitation, or be altered or repealed by the Legislature, except the hereinafter mentioned laws, to-wit: "An Act to change the name of the county of Jones, and for other purposes," approved December 1st, 1865. "An Act to establise a ferry across the Mississippi at Vicksburg," approved November 29th, 1865. "An Act to provide for the removal and location of the seat of justice of Scott county," approved November 8th, 1865. "An Act supplemental to an Act entitled an Act to provide for the removal and location of the seat of justice of Scott county," approved November 8th, 1865; approved December 1st, 1865.

Section 3:

Mr. Weir moved to amend as follows:

At the end of third section insert, the words "except such causes as were instituted by authority of officers sworn to support the constitution of the so-called Confederate States."

Mr. Townsend moved to indefinitely postpone;

Which was carried, by the following vote:

Yeas—Messrs. Alderson, Ballard, Beam, Bonney, Brinson, Combash, Conley, Cunningham, Elliott John, Gaither, Goss, Gray, Hemmingway, Herbert, Howe, Longmire, Mayson, Musgrove, Montgomery, Morgan, Myers, Mygatt, McCutchen, Newsom, Parsons F., Parsons J. R., Peyton E. A., Phillips, Powell, Railsback, Stewart, Stovall, Stringer, Stites, Toy, Warren, and Yeoman—37.

Nays—Messrs. Barry, Bridges, Fawn, Fitzhugh, Gibbs, Handy, Lawson, Leas, Leonard, Moore, Orr, and Weir—12.

Mr. Alderson offered the following in lieu of the third section of the printed report:

Sec. 3. The Legislature shall provide for the removal of all suits at law or in equity now pending in the several courts in this State, to such court as may have the proper jurisdiction under this Constitution.

Mr. Gibbs moved the previous question;

Which was sustained.

And the amendment of Mr. Alderson, was lost.

And section 3 was adopted, and reads as follows:

Sec. 3. The Legislature shall provide for the removal of causes now pending in the courts of this State, to courts created by, or under this Constitution.

### ORDINANCE.

Section 4 was adopted, and reads as follows:

Sec. 4. Immediately upon the adjournment of this Convention, this Constitution shall be submitted for ratification to the registered voters of the State, in conformity with the Act of Congress passed March 2, 1867, entitled an Act to provide for the more efficient government of the rebel States, and the Acts supplementary thereto.

Section 5:

Mr. Goss moved to amend as follows: In seventh line strike out the word "seven," and insert the word "six," and in seventeenth line, stike out the words "or against;"

Which was laid on the table.

Mr. Alderson offered the following as an amendment:

Amend by striking out all after section 5 down to and including "day," in the eleventh line, and insert, the words "The election for the ratification of this Constitution, shall be held at each election precinct in the county, in one day, commencing at 9 o'clock in the morning, and continuing until sundown. Immediately after the election has been held at the different precincts, the polls shall again be opened by the three registrars at the county seat of each county, and kept open for five days from 6 o'clock A. M., till 8 o'clock P. M., for the reception of votes, and any one entitled to register, but who had failed or neglected so to do, shall be registered and allowed to vote, and certificates of registration shall be issued by said registrars at any time demanded up to the close of the election.

Mr. Morgan moved to table;

Which was lost.

Mr. Fitzhugh moved the previous question;

Which was not sustained.

And the section lies over,

Section 6:

Mr. Gibbs moved to amend, as follows:

*Provided*, That every person who shall vote for said officers, shall first take and subscribe an oath to support the Constitution of the United States, and the Constitution of Mississippi, when ratified, and all laws made in pursuance thereof.

Mr. Townsend moved the previous question;

Which was sustained.

And the amendment was adopted, by the following vote:

YEAS—Messrs. Alderson, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Chappell, Clarke, Conley, Cunningham, Drane, Fawn, Fitzhugh, Gibbs, Gray, Handy, Hauser, Hemmingway, Herbert, Jacobs, Johnson A., Lawson, Leas, Leonard, Longmire, Mayson, Montgomery, Moore, Myers, Mygatt, Newsom, Parsons F., Peyton E. A., Phillips, Powell, Quinn, Railsback, Stewart, Stovall, Stringer, Townsend, Williams, and Yeoman—45.

NAYS—Messrs, Gaither, Goss, Musgrove, Morgan, Orr, Warren, Weir, and Woodmansee—8.

And section 6 was adopted, as amended, by the following vote:

YEAS—Messrs. Alderson, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chappell, Clarke, Combash, Conley, Cunningham, Dalton, Drane, Gibbs, Handy, Hauser, Herbert, Howe, Jacobs, Johnson A., Lawson, Leas, Leonard, Mayson, Moore, Morgan, Myers, Mygatt, Newsom, Parsons F., Peyton E. A., Powell, Quinn, Railsback, Stewart, Stringer, Weir, Williams, Woodmansee, and Yeoman—42.

NAYS—Messrs. Elliott John, Fawn, Fitzhugh, Gaither, Goss, Gray, Hemmingway, Longmire, Musgrove, Montgomery, Orr, Phillips, Townsend, and Warren—14.

And reads as follows:

SEC. 6. In order to establish a civil government as required by the Act of Congress, approved March 21, 1867, and the Acts supplementary thereto, an election shall be held at the same time and place at which the Constitution is submitted for ratification, for all State officers, for members of the Legislature, and for Representatives in Congress; at which election the electors who are qualified under the Reconstruction Acts of Congress shall vote, and none others. *Provided*, That every person who shall vote for said officers, shall first take and subscribe an oath to support the Constitution of the United States, and the Constitution of Mississippi, when ratified, and all laws made in pursuance thereof.

Section 7:

Mr. Alderson moved to amend, as follows:

Amend, in fourth line, by inserting the word "qualified," and strike out the word "registered."

Mr. Morgan moved to postpone further consideration until to-morrow, at 10 o'clock.

Mr. Hauser moved to table;

Which was lost.

And the motion of Mr. Morgan prevailed.

Mr. Musgrove moved to take a recess until 3 o'clock, P. M.

Mr. Castello moved to table;

Which was carried.

Mr. Barry moved to suspend the rules, to permit him to introduce a resolution.

Pending action on the same, the Convention adjourned to meet to-morrow morning, at 9 o'clock.

T. P. SEARS,
*Secretary.*

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## EIGHTY-SIXTH DAY.

JACKSON, MISS., Wednesday, April 15th, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chappell, Clarke, Conley, Cunningham, Dalton, Drane, Elliott John, Fawn, Fitzhugh, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Herbert, Howe, Jacobs, Jamison, Johnson A., Lawson, Leas, Leonard, Longmire, Mayson, Musgrove, Montgomery, Moore, Morgan, Myers, Mygatt, McCutchen, Nesbitt, Newsom, Niles, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Phillips, Powell, Quinn, Railsback, Stewart, Stovall, Stringer, Stiles, Townsend, Toy, Vaughan, Warren, Weir, Williams, Woodmansee, and Yeoman-- 67.

The following delegates were absent:

Messrs. Chapman, Collins, Combash, Compton, Dowd, Elliott James, Field, Hemmingway, Hutto, Johnson S., Jones, Kerr, Lack, Mask, Miles, McKee, McKnight, Neilson, Nelms, Peyton E. G., Rainey, Richardson, Smith, Stites, Walker, and Watson—27.

Journal of yesterday read and approved.

Leaves of absence were granted as follows:

To Mr. Combash for one day; Mr. Jamison for five days.

The following communication was received from the State Treasurer:

TREASURER'S OFFICE,
JACKSON, MISS., April 14, 1868.

*Hon. B. B. Eggleston, President Mississippi Constitutional Convention:*

SIR—In compliance with the resolution adopted by your honorable body, I herewith submit a report of the reports and remittances received in my office up to this time, and would remark, in answer to a portion of the resolution ("who have not made their reports in accordance with section 7, of an ordinance passed by this Convention, February 27, 1868"), that I prefer your honorable body to judge from the report who have complied with the ordinance; at the same time I think there are many who would comply with all the provisions, but they report it impossible for them to do so, for want of time.

I have the honor to be,
Very respectfully,
JOHN H. ECHOLS,
*State Treasurer.*

*LIST OF SHERIFFS, who have reported Taxes Collected under Ordinance of Constitutional Convention, February 27th,* 1868:

| DATE. | NAME. | COUNTY. | AMOUNT. |
|---|---|---|---|
| April 1 | J. C. Lucas | Attala | $ 300 00 |
| | L. R. Wilson | Yalobusha | 1,020 80 |
| | Thomas Palmer | Hinds | 388 16 |
| 3 | S. M. Dyer | Yazoo | 635 59 |
| | J. C. McKenzie | Carroll | 663 03 |
| 6 | C. N. Waterbury | Franklin | 57 77 |
| | R. B. Jones | Panola | 985 49 |
| | C. M. Thomas | Noxubee | 1,266 99 |
| 7 | L. R. Wilson | Yalobusha | 736 27 |
| | G. P. Rice | Tallahatchie | 389 44 |
| | M. M. Phares | Wilkinson | 446 59 |
| | Peter Ratcliff | Amite | 525 55 |
| 8 | C. E. Furlong | Warren | 1,840 57 |
| | J. C. McKenzie | Carroll | 160 18 |
| | Jos. Eakins | Lauderdale | 1,066 35 |
| 10 | B. F. B. Hunter | Adams | 509 45 |
| | Thomas Palmer | Hinds | 126 31 |
| | S. F. Kendrick | Monroe | 245 42 |
| 11 | Thomas Palmer | Hinds | 557 38 |
| | B. F. Brown | Simpson | 128 91 |
| 13 | J. J. Mangum | Smith | 359 17 |
| 14 | L. R. Wilson | Yalobusha | 1,238 05 |
| | Total | | $13,647 47 |

I have, also, a report from C. M. Thomas, Noxubee county ($770 50), which cannot be paid in for want of change, having remitted more warrants than amount collected; also, a report from J. W. Boykin, Wayne county ($41 86), in same condition; also, reports from E. R. Enochs (Calhoun county ($353 11), and J. B. Bell, of Lowndes county ($1,885 00), which are informal, but accompanied by remittances in warrants; also, a report from D. T. Beall, of Tishomingo county, ($558 30), but no remittance; also, from C. Lindsey, Choctaw county of ($3 20); no remittance.

JOHN H. ECHOLS,
*State Treasurer.*

Report received and referred to the Finance Committee.

Mr. Morgan moved to suspend the rules, to enable Mr. Cunningham to introduce a resolution.

Mr. Fitzhugh moved to table;

Which was lost.

Mr. Gibbs moved the previous question;

Which was sustained.

And the motion to suspend the rules was carried.

Mr. Cunningham offered the following:

*Resolved*, That it is the sense of this Convention, that the Official Reporter of this body has done his duty, and that we disapprove of the criticism of the *Pilot*, on the conduct of said officer.

Mr. Gibbs moved the reference of the above to the Special Committee on Reporter and Official Printer.

Mr. Hauser moved to lay the motion on the table;

Which was lost.

Mr. Gibbs moved to lay the resolution on the table;

Which was lost, by the following vote:.

YEAS—Messrs. Bridges, Caldwell, Castello, Drane, Elliott John, Fitzhugh, Gibbs, Hauser, Herbert, Jamison, Leas, Mygatt, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Railsback, Stovall, Toy, Vaughan, and Weir—22.

NAYS—Messrs. Alderson, Ballard, Barry, Beam, Bonney, Brinson, Chappell, Clarke, Conley, Cunningham, Dalton, Fawn, Gaither, Goss, Gray, Handy, Hemmingway, Howe, Jacobs, Johnson A., Lawson, Leonard, Longmire, Musgrove, Montgomery, Moore, Morgan, Myers, McCutchen, Newsom, Orr, Phillips, Powell, Quinn, Stewart, Stringer, Stiles, Townsend, Warren, Woodmansee, and Yeoman—41.

Mr. Howe moved to indefinitely postpone the motion to refer.

Mr. Gibbs moved the previous question;

Which was sustained.

And the motion of Mr. Howe was lost.

And the motion to refer was carried.

Mr. Gibbs offered his resignation as a member of the Special Committee on investigation of the Reporter and Public Printer.

Resignation received, and under the operation of the previous question, accepted.

Mr. Herbert presented his resignation as Chairman and member of the same Committee.

Mr. Gibbs moved that the resignation of Mr. Herbert be accepted.

Mr. Warren moved the previous question;

Which was sustained.

And the resignation was accepted.

Mr. Leas moved to suspend the rules to enable him to introduce a resolution.

Mr. Clarke moved the previous question;

Which was sustained; and the motion to suspend the rules was carried, by the following vote:

Yeas—Messrs. Ballard, Beam, Bridges, Brinson, Clarke, Combash, Conley, Dalton, Drane, Elliott John, Fawn, Fitzhugh, Gaither, Goss, Gray, Handy, Hemmingway, Leas, Longmire, Mayson, Musgrove, Montgomery, McCutchen, Niles, Parsons J. R., Peyton E. A., Phillips, Powell, Railsback, Stewart, Stovall, Warren, Weir—33

Nays—Messrs. Alderson, Alcorn, Barry, Bonney, Castello, Chappell, Gibbs, Hauser, Herbert, Jacobs, Jamison, Johnson A., Lawson, Leonard, Moore, Morgan, Myers, Mygatt, Newsom, Orr, Ozanne, Quinn, Stringer, Stiles, Townsend, Toy, Vaughan, Williams, Woodmansee, Yeoman—30.

Mr. Leas offered the following:

*Resolved*, That the rules be so changed, that hereafter this Convention have two sessions per day, commencing at 9 o'clock A. M., and at 3 o'clock P. M.

Mr. Castello offered the following as an amendment to the resolution of Mr. Leas:

*Resolved*, That there be three sessions each day; the morning session to commence at half-past 8 o'clock A. M., and to continue until half-past 12 o'clock P. M.; the afternoon session to commence at half-past 2 o'clock, P. M., and continue until 5 o'clock P. M.; the evening session to commence at half-past 7 o'clock P. M., and to continue until 10 o'clock P. M.

Mr. Morgan moved to table the resolution and the amendment thereto.

On a division of the question, the amendment was tabled, and the resolution was laid upon the table.

The committee on Enrollment made the following report:

Mr. President: Your committee on Enrollment have examined an ordinance on County Boundaries passed by this Convention on the 6th of April, and have instructed me to report that they find it correctly enrolled.

Respectfully,
James Weir, *Chairman.*
M. T. Newsom,
R. H. Montgomery,
W. B. Cunningham, *Committee.*

Report received.

The unfinished business being the amendment of Mr. Alderson to section 7, of Ordinance and Schedule, introduced on yesterday, came up, and was adopted.

And the section was adopted, as amended, by the following vote:

Yeas—Messrs. Alderson, Ballard, Barry, Bonney, Bridges, Brinson, Chappell, Clarke, Drane, Fawn, Fitzhugh, Gibbs, Handy, Herbert, Jacobs, Johnson A., Kerr, Leonard, Mayson, Moore, Myers, Mygatt, Newsom, Parsons F., Parsons J. R., Peyton E. A., Powell, Railsback, Stewart, Stringer, Stiles, Toy, Vaughan, Warren, Weir, Williams, Woodmansee, Yeoman—38.

NAYS—Messrs. Beam, Dalton, Elliott John, Gaither, Goss, Gray, Hemmingway, Longmire, Musgrove, Montgomery, Morgan, Niles, Orr, Stovall, Townsend—15.

Mr. Gibbs moved to reconsider.

Mr. Morgan moved the previous question;

Which was not sustained.

And the motion to reconsider lies over.

Mr. Musgrove moved that the Convention take a recess until 3 o'clock.

A motion to table was lost.

Mr. Gibbs offered the following amendment to the motion of Mr. Musgrove, and by him accepted:

Amend by adding that every person voting in the affirmative who is not here, shall forfeit his per diem.

Pending the consideration of which, the Convention adjourned until to-morrow morning, at 9 o'clock.

T. P. SEARS,
*Secretary.*

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## EIGHTY-SEVENTH DAY.

JACKSON, MISS., Thursday, April 16th, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Barry, Beam, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Compton, Conley, Cunningham, Drane, Elliott John, Fawn, Fitzhugh, Gaither, Gibbs, Goss, Gray, Handy, Hauser, Hemmingway, Herbert, Howe, Hutto, Jacobs, Johnson A., Lawson, Leas, Leonard, Longmire, Mayson, Musgrove, Montgomery, Moore, Morgan, Myers, Mygatt, McCutchen, McKee, McKnight, Nesbitt, Newsom, Niles, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Phillips, Powell, Quinn, Railsback, Stewart, Stovall, Stringer, Stiles, Townsend, Toy, Vaughan, Watson, Warren, Williams, Woodmansee, Yeoman—71.

The following delegates were absent:

Messrs. Bonney, Collins, Dalton, Dowd, Elliott James, Field, Holland, Jamison, Johnson S., Jones, Kerr, Lack, Mask, Miles, Neilson, Nelms, Peyton E. G., Rainey, Richardson, Smith, Walker, Weir—22.

Journal of yesterday read and approved.

Leaves of absence were granted to Mr. Dalton for two days; Mr. Bonney for one day; Mr. Orr for five days; Mr. Howe for five days; Mr. James Elliott for five days; Mr. Vaughan for ten days; Mr. Miles from day to day.

Messrs. Leas and Stringer were added to special committee on Reporter and Official Printer.

The President appointed the following committee of five, in accordance with the previous action of this Convention, to examine and take into consideration the additional labor and expense which may accrue to the Auditor of Public Accounts and Treasurer of State, in reference to the carrying out of the provisions of the tax ordinance, passed by this Convention, and now being collected by the Sheriffs of the State:

Messrs. Alderson, Ozanne, Castello, Gaither, and Gibbs.

The rules were suspended to permit the introduction of the following resolution, by Mr. Gibbs:

*Resolved*, That the action of this body in deciding that less than a two-thirds vote could suspend or alter the rules for the government of the same, be, and is hereby rescinded.

Mr. Warren offered the following amendment:

And that the changes in the rules effected by such decision are declared null and void.

Under the operation of the previous question, the amendment was lost.

And the resolution of Mr. Gibbs was adopted.

Mr. Barry moved to suspend the rules to take up the report of the committee on Franchise; which was carried.

Mr. Townsend moved a suspension of the rules that substitutes may be offered to section 5;

Which was lost.

Mr. Barry offered the following:

No person shall be eligible to any office of profit or trust, civil or military, in this State, who, as a member of the Legislature, voted for the call of the Convention that passed the Ordinance of Secession, or who, as a delegate to any Convention, voted for or signed any ordinance of secession, or who gave voluntary aid, countenance, counsel, or encouragement to persons engaged in armed hostility to the United States, or who accepted or attempted to exercise the functions of any office, civil or military, under authority or pretended government authority, power, or constitution, within the United States, hostile or inimical thereto, except all persons who aided reconstruction by voting for this Convention; but the Legislature may, by a vote of two-thirds of each House, remove such disability.

Previous question called; call sustained, by the following vote:

Yeas—Messrs. Barry, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Fawn, Fitzhugh, Gibbs, Handy, Hauser, Jacobs, Johnson A., Lawson, Leas, Leonard, Moore, Morgan, Myers, Mygatt, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Powell, Quinn, Stewart, Stringer, Toy, Weir, Woodmansee, and Yeoman—35.

Nays—Messrs. Alderson, Alcorn, Ballard, Beam, Bridges, Compton, Conley, Drane, Elliott John, Gaither, Goss, Gray, Hemmingway, Herbert, Howe, Hutto, Longmire, Musgrove, Montgomery, McCutchen, McKnight, Orr, Phillips, Railsback, Stovall, Stiles, Townsend, Vaughan, Watson, Warren, and Williams—31.

And the section was adopted, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Barry, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Drane, Fawn, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Jacobs, Johnson A., Lawson, Leas, Leonard, Moore, Morgan, Myers, Mygatt, McKnight, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Powell, Quinn, Railsback, Stewart, Stringer, Townsend, Toy, Weir, Williams, Woodmansee, and Yeoman—44.

Nays—Messrs. Ballard, Beam, Compton, Conley, Cunningham, Elliott John, Gaither, Goss, Gray, Hemmingway, Howe, Hutto, Longmire, Musgrove, Montgomery, McCutchen, Nesbitt, Niles, Orr, Phillips, Stovall, Stites, Vaughan, Watson, and Warren—25.

Mr. Castello moved to reconsider.

A motion to lay on the table was carried.

Mr. Castello moved to suspend the rules, to take up the report on Ordinance and Schedule.

Mr. Alderson moved to take a recess for one hour.

A motion to table was lost.

Mr. Railsback moved to amend as follows:

Suspend the rules that the Convention may adjourn until to-morrow morning.

Mr. Morgan moved the previous question;

Which was not sustained;

And the motion lies over.

And the motion of Mr. Castello was carried.

The amendment introduced by Mr. Alderson to section 5 of report of committee on Ordinance and Schedule, lying over from the 14th inst., came up for consideration, when the following communication was presented:

Mississippi Constitutional Convention,
Hall of Representatives,
Jackson, Miss., April 16th, 1868.

We, the undersigned members of the Constitutional Convention of the State of Mississippi, now in session in the city of

Jackson, beg leave most respectfully, as they now do, to tender their resignation as members of the said body.

Jno. W. C. Watson,
Wm. L. Hemmingway,
J. M. Phillips,
R. H. Montgomery,
G. E. Longmire,
W. W. Gaither,
A. Goss,
J. H. McCutchen,
Wm. B. Gray,
Wm. M. Compton,
Chas. H. Townsend,
Wm. D. Nesbitt.

Mr. Compton moved to accept the resignations.

Mr. Herbert moved that the consideration of the resignations be postponed until to-morrow;

Which was carried.

Mr. Railsback moved to suspend the rules, that a motion might be made to adjourn;

Which was lost.

The Convention then considered the amendment to section 5, submitted by Mr. Alderson.

Mr. Woodmansee moved to amend by striking out the word "nine," in the amendment of Mr. Alderson, and insert the word "ten," instead.

Mr. Castello moved to indefinitely postpone the amendment and the amendment thereto.

Pending the consideration of which, the Convention adjourned to meet to-morrow morning at 9 o'clock.

T. P. Sears,
*Secretary.*

## EIGHTY-EIGHTH DAY.

Jackson, Miss., Friday, April 17th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Conley, Cunningham, Drane, Elliott John, Fawn, Fitzhugh, Gibbs, Gray, Handy, Hauser, Hutto, Jacobs, Johnson A., Lawson, Leas, Leonard, Longmire, Mayson, Musgrove, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton

E. A., Powell, Quinn, Railsback, Stewart, Stovall, Stringer, Stiles, Toy, Vaughan, Warren, Weir, Williams, Woodmansee, Yeoman—59.

The following delegates were absent:

Messrs. Collins, Compton, Dalton, Dowd, Elliott James, Field, Gaither, Goss, Hemmingway, Herbert, Holland, Howe, Jamison, Johnson S., Jones, Kerr, Lack, Mask, Montgomery, Miles, McCutchen, Neilson, Nelms, Nesbitt, Niles, Orr, Peyton E. G., Phillips, Rainey, Richardson, Smith, Stites, Townsend, Walker, and Watson—35.

Journal of yesterday read and approved.

Leaves of absence were granted, to Mr. Field until Monday next; to Mr. Mask from day to day; to Mr. Myers for one day; to Mr. Niles for two days; and to the Doorkeeper for one day.

MISSISSIPPI CONSTITUTIONAL CONVENTION,
HALL OF REPRESENTATIVES,
JACKSON, MISS., April 16th, 1868.

*To the Honorable B. B. Eggleston, President of the Constitutional Convention of the State of Mississippi:*

SIR—I hereby tender my resignation as a delegate of said Convention from the county of Lafayette.

Very respectfully,
W. G. VAUGHAN.

Resignation received and accepted.

Mr. Gibbs moved to suspend the rules to take into consideration the report of Special Reporter of Mississippi State Journal, of yesterday's proceedings;

Which was carried, by the following vote:

YEAS Messrs. Alcorn, Barry, Beam, Bonney, Bridges, Caldwell, Clarke, Combash, Cunningham, Drane, Fawn, Fitzhugh, Gibbs, Handy, Hauser, Hutto, Jacobs, Johnson A., Lawson, Leas, Leonard, Musgrove, Moore, Myers, Mygatt, Newsom, Ozanne, Peyton E. A., Powell, Quinn, Stewart, Stovall, Stringer, Stiles, Toy, Williams, Yeoman—37.

NAYS—Messrs. Ballard, Castello, Chapman, Chappell, Conley, Elliott John, Mayson, Morgan, McKee, McKnight, Parsons J. R., Railsback, Warren, Weir—14.

Mr. Cunningham, of Madison, offered the following:

*Resolved*, That Mr. Lawson be requested to correct all mistakes of yesterday in to-morrow's paper, and that he be not allowed to remain in the hall if he makes further incorrect report.

Mr. Fitzhugh offered the following as an amendment:

And that he be expelled from this hall during the session of this Convention;

Which was laid on the table.

Mr. A. Johnson moved the previous question;

Which was sustained.

And the resolution of Mr. Cunningham was adopted.

Mr. Castello offered the following:

*Resolved*, That the resolution inviting reporters to seats in this Convention be rescinded.

Which was adopted.

Mr. F. Parsons moved to suspend the rules, and take up Ordinance and Schedule.

Rules suspended, and the Convention proceeded to the consideration of the same.

The question being on the motion of Mr. Castello, of Adams, offered on yesterday, to indefinitely postpone amendment of Mr. Alderson, and amendment thereto to section five.

On a division of the question, the amendment to the amendment was indefinitely postponed.

And the motion to indefinitely postpone the amendment of Mr. Alderson was lost.

Mr. Clarke moved to amend by striking out all after the words "reception of votes," and accepted by Mr. Alderson.

And the amendment offered by Mr. Alderson on the 14th of April, was adopted, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Barry, Bonney, Bridges, Brinson, Caldwell, Chapman, Chappell, Clarke, Combash, Drane, Elliott John, Fitzhugh, Handy, Hauser, Holland, Johnson A., Leas, Leonard, Mayson, Moore, Mygatt, Newsom, Ozanne, Parsons J. R., Peyton, E A., Powell, Railsback, Stewart, Stringer, Warren, and Yeoman—33.

NAYS—Messrs. Castello, Conley, Cunningham, Fawn, Herbert, Hutto, Jacobs, Lawson, Musgrove, Morgan, Myers, McKnight, Parsons F., Stovall, Stiles, Toy, and Weir—17.

And the section was adopted as amended, and reads as follows:

The election for the ratification of this Constitution shall be held at each election precinct in the county one day, commencing at nine o'clock in the morning, and continuing until sundown. Immediately after the election has been held at the different precincts, the polls shall be again opened by the three Registrars, at the county seat of each county, and kept open for five days, from 6 o'clock A. M. until 8 o'clock P. M., for the reception of votes. At said election all those in favor of ratifying the Constitution shall have written or printed on their ballots, the words, "For the Constitution," and those opposed to the ratification of the same, shall have written or printed on their ballots the words, "Against the Constitution;" but no person shall vote for or against this Constitution on a separate ballot from that cast by him for officers to be elected at said election under this Constitution.

Mr. Morgan moved to suspend the rules to take up the special order of the day;

Which was carried.

Mr. Morgan offered the following:

*Resolved*, That the resignations tendered yesterday by the following named gentlemen be accepted: Hons. J. W. C. Watson, William L. Hemmingway, J. M. Phillips, R. H. Montgomery, G. E. Longmire, W. W. Gaither, A. Goss,

J. H. McCutchen, Wm. B. Gray, Wm. M. Compton, Wm. D. Nesbitt.

The following communication was presented, and the name added to the resolution:

MISSISSIPPI CONSITUTIONAL CONVENTION,
Jackson, Miss., April 17th, 1868.

MR. PRESIDENT: I respectfully tender my resignation as a delegate to this Convention.

Very respectfully,
Your ob't serv't,
TERRY DALTON.

Mr. Herbert moved to indefinitely postpone;

Which was laid on the table, and the resolution was adopted.

The Convention resumed the consideration of the minority report of the committee on Ordinance and Schedule.

Section 8:

Mr. Woodmansee offered the following amendment:

Strike out the 8th section of the minority report, and insert as follows:

SECTION 8. The same Registrars and Commissioners who shall be appointed by the Commanding General of the Fourth Military District to superintend the election for the ratification or rejection of the Coostitution, shall also, at the same time and place, superintend the election for all officers and Representatives herein ordered. Returns shall be made in duplicate, sworn to by the Registrars and Commissioners holding the election, and forwarded three days thereafter to the President of this Convention, and to the Commanding General of this District, who shall, within five days after the last return has been received, make proclamation of the result of said election, and if said Constitution shall have been adopted, the President of this Convention shall transmit a certified copy of the same, together with an abstract of the votes cast, to the President of the United States, to be by him laid before the Congress of the United States for their approval or rejection, and shall also declare the officers elected thereunder; and if declared ratified, the Constitution shall, from and after that date, be in full force and effect.

Mr. Castello moved to table;

Which was carried.

Mr. Clarke moved to amend, by striking out the word "shall," in third line, and inserting the word "may;"

Which was lost.

And section 8 was adopted, by the following vote:

YEAS—Messrs. Alcorn, Barry, Bonney, Bridges, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Cunningham, Drane, Elliott John, Fawn, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Jacobs, Johnson A., Leas, Leonard, Mayson, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Powell, Railsback, Stewart, Stringer, Toy, Warren, Weir, and Yeoman—43.

NAYS—Messrs. Conley, Holland, Hutto, Musgrove, Stovall, and Woodmansee—6.

And reads as follows:

SEC. 8. The Committee of Five, appointed under authority of this Convention, shall appoint three commissioners of election for each county, whose duty it shall be to superintend the election for the ratification or rejection of the Constitution; who shall also, at the same time and place, superintend the election for all officers and Representatives herein ordered. Returns in duplicate, sworn to by the said Commissioners superintending said election, and forwarded within three days thereafter to the chairman of said Committee of Five who shall, within five days after the last return has been received, make proclamation of the result of said election; and shall also declare the officers elected thereunder, and notify them of their election; and if declared ratified, the Constitution shall, from and after that date, be in full force and effect.

The Convention adjourned until to-morrow morning, at 9 o'clock.

T. P. SEARS,
*Secretary.*

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## EIGHTY-NINTH DAY.

JACKSON, MISS., Saturday, April 18th, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Conley, Cunningham, Drane, Elliott John, Fawn, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Holland, Hutto, Jacobs, Johnson A., Lawson, Leas, Leonard, Mayson, Musgrove, Moore, Morgan, McKee, McKnight, Newsom, Ozanne, Parsons F., Parsons J. R., Powell, Quinn, Railsback, Richardson, Smith, Stewart, Stovall, Stringer, Stiles, Toy, Warren, Weir, Williams, Woodmansee and Yeoman—57.

The following delegates were absent:

Messrs. Collins, Dowd, Elliott James, Field, Howe, Jamison, Johnson S., Jones, Kerr, Lack, Mask, Miles, Myers, Mygatt, Neilson, Nelms, Niles, Orr, Peyton E. A., Peyton E. G., Rainey, Stites, Townsend, and Walker—24.

Journal of yesterday read and approved.

Mr. Hauser moved to suspend the rules, to enable him to introduce a resolution;

Which was carried.

Mr. Hauser offered the following:

*Resolved*, That rule No. 46 shall be so changed as to read, "a quorum shall consist of a majority of the members of this Convention.

Which was adopted.

Mr. Clarke moved to suspend the rules, and take up the minority report on Ordinance and Schedule;

Which was carried.

Mr. F. Parsons moved to reconsider the vote adopting section 5, yesterday;

Which was carried.

Mr. Clarke moved to amend, by striking out section 5, as amended, and insert as follows:

Sec. 5. The election for the ratification of this Constitution, and all officers thereunder, shall be held at such places, and shall continue such time as the Commanding General of the Fourth Military District may direct; and the polls shall be kept open from seven o'clock, A. M., until seven o'clock, P. M., each day. At said election, all those in favor of ratifying the Constitution shall have written or printed on their ballots, the words "For the Constitution," and those opposed to the ratification of the same, shall have written or printed on their ballots, the words "Against the Constitution," but no person shall vote for or against this Constitution on a separate ballot from that cast by him for officers to be elected at said election under this Constitution.

Mr. Morgan moved to recommit the section to the committee;

Which was carried.

Section 9 was adopted as printed, and reads as follows:

Sec. 9. The Legislature elected under this Constitution shall hold its first session in the Capitol, in the city of Jackson, on the second Monday after the official promulgation aforesaid, and shall proceed immediately upon its organization, to vote upon the adoption of the Fourteenth Amendment of the Constitution of the United States, proposed by Congress and passed June 13, 1866. Said Legislature shall not have power to enact any laws relative to the per diem of members, nor on any other subject after organization, until said Constitutional Amendment shall have been ratified,

Section 10 was adopted, and reads as follows:

Sec. 10. The first terms of all civil officers elected at the same time this Constitution is submitted for ratification or rejection, shall commence on the second Monday after their election shall have been officially promulgated, and they shall continue to hold from said time until the expiration of the first full term succeeding said election.

Section 11 was adopted, and reads as follows:

Sec. 11. All Commissioners of Election herein provided for, shall, before entering upon their respective duties, take and subscribe to the oath of office prescribed by Congress, approved July 2, 1862, entitled "an Act to prescribe an oath of office."

Section 12 was adopted, by the following vote:

Yeas—Messrs. Alderson, Barry, Bonney, Bridges, Brinson, Castello, Chapman, Chappell, Combash, Drane, Fitzhugh, Gibbs, Handy, Jacobs, Leas, Leonard, Mayson, Moore, Morgan, Mygatt, McKnight, Ozanne, Parsons F., Parsons J. R., Powell, Quinn, Railsback, Richardson, Stewart, Stringer, Stiles, Toy, Warren, Williams—34.

Nays—Messrs. Alcorn, Beam, Clarke, Cunningham, Elliott John, Fawn, Hauser, Herbert, Holland, Hutto, Johnson A., Lawson, Musgrove, McKee, Newsom, Stovall, Weir—17.

And reads as follows:

Sec. 12. The Commissioners of Election herein provided for shall receive the same compensation per day while in attendance upon elections, and allowances for transportation (when actual disbursements have been made) as Registrars, and shall be paid out of any funds in the State Treasury to the credit of the Convention fund, upon the certificate of the Chairman of said committee of Five.

Mr. Fitzhugh moved to suspend the rules;

Which was laid on the table.

Mr. Stiles moved that Mr. Conley be granted a leave of absence for three days from Monday next;

Which was carried.

Mr. Stovall was granted leave of absence from day to day from Monday next.

Mr. E. A. Peyton was granted a leave of absence for one day.

Mr. Cunningham was granted a leave of absence for one day from Monday next.

Mr. Parsons, of Adams, moved to reconsider section 8;

Which was carried.

Section 8:

Strike out the word "superintend," in the sixth line, and insert the word "attend," and insert, after the word "duplicate," in the twelfth line, the words "shall be made;"

Which was carried.

And section 8 was adopted, as amended, by the following vote:

Yeas—Messrs. Alderson, Barry, Bonney, Bridges, Brinson, Castello, Clarke, Combash, Drane, Elliott John, Fawn, Fitzhugh, Gibbs, Handy, Hauser, Holland, Jacobs, Johnson A., Lawson, Leas, Leonard, Moore, Morgan, Mygatt, McKnight, Newsom, Ozanne, Parsons F., Parsons J. R., Powell, Railsback, Richardson, Stewart, Stringer, Stiles, Toy, Warren, Williams—38.

Nays—Messrs. Beam, Chappell, Conley, Cunningham, Hutto, Musgrove, Weir, Woodmansee—8.

And reads as follows:

Sec. 8. The committee of Five appointed under authority of this Convention shall appoint three Commissioners of Election for each county, whose duty it shall be to attend the election for the ratification or rejection of the Constitution; who shall also, at the same time and place, superintend the election for all officers and representatives herein ordered. Returns in duplicate shall be made, sworn to by the said Commissioners superintending said election, and forwarded within three days thereafter to the Chairman of said committee of Five, who shall, within five days after the last return has been received, make proclamation of the result of said election; and shall also declare the officers elected thereunder; and notify them of their election; and if declared ratified, the Constitution shall, from and after that date, be in full force and effect.

Mr. Morgan moved to suspend the rules to enable him to introduce a resolution;

Which was carried.

Mr. Musgrove in the chair.

Mr. Morgan offered the following:

WHEREAS, C. H. Townsend, a member of this Convention from the county of Marshall, did, on Thursday, the 16th inst., make use of grossly unparliamentary and insulting language, addressed to the President of this Convention, in the words following, to-wit: "It is unjust, and you know it to be false;" and,

*Whereas*, The said C. H. Townsend did maliciously assault the President of this Convention, the Hon. B. B. Eggleston, with intent to do him bodily injury; and,

*Whereas*, The said Townsend did, on the day aforesaid, with a mob of disorderly and riotous persons, assault other members of this Convention; therefore, be it

*Resolved*, That C. H. Townsend, member of this Convention from the county of Marshall, be forthwith expelled from this Convention, and his seat be declared vacant from this date;

Which was adopted, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Barry, Bonney, Brinson, Bridges, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Conley, Cunningham, Drane, Fawn, Fitzhugh, Gibbs, Handy, Hauser, Holland, Jacobs, Johnson A., Lawson, Leas, Leonard, Mayson, Moore, Mygatt, McKee, Newsom, Ozanne, Parsons J. R., Parsons F., Powell, Railsback, Stewart, Stringer, Toy, Warren, Weir, Williams, Woodmansee—43.

NAYS—Messrs. Elliott John, Herbert, Hutto, McKnight, Stovall, Stiles—6.

President in the chair.

The rules were suspended to permit the introduction of the following resolution, offered by Mr. F. Parsons:

*Resolved*, That from and after to-day this Convention hold two sessions daily; one commencing at 9 o'clock A. M., and the other at 3 o'clock P. M., Sundays excepted.

Which was adopted.

The Convention proceeded to consider the report of the committee on Franchise.

Mr. Parsons, of Adams, moved to indefinitely postpone section 10, and amendments thereto;

Which was carried.

Section 11:

Mr. Parsons moved to postpone;

Which was carried.

Mr. Clarke moved that the report be adopted as a whole on the second reading, and 100 copies be printed;

Which was carried.

The Convention proceeded to the consideration of the report of the committee on General Provisions.

And section 1 was adopted and reads as follows:

SECTION 1. The political year of the State of Mississippi shall commence on the first Monday of January in each year, and the general election shall be holden on the first Tuesday succeeding the first Monday in November biennially.

Section 2 was indefinitely postponed.

Section 3 was indefinitely postponed.

Section 4 was indefinitely postponed.

Section 5 was adopted, and reads as follows:

SEC. 5. The Legislature shall pass laws to exclude from office and from suffrage, those who shall hereafter be convicted of bribery, perjury, forgery or other high crimes or misdemeanors, and every person shall be disqualified from holding an office or place of honor, trust or profit, under the authority of this State, who shall be convicted of having given or offered any bribe to procure his election or appointment.

Section 6:

Mr. Castello moved to strike out all of the third line, and the word "punishment," in the fourth line, and the words, "the civil department of."

Mr. Chappell moved to postpone the section and amendments.

Mr. Castello moved to table the motion to postpone;

Which was carried.

And the amendment of Mr. Castello was adopted.

And section 6 was adopted as amended and reads as follows:

SEC. 6. No person who denies the existence of a Supreme Being shall hold any office in this State.

Section 7:

Mr. Parsons, of Adams, moved to strike out the first, second, and third lines, to the word "in," in the fourth line, and insert the words, "no money shall be drawn from the Treasury but in consequence of an appropriation made by law."

Mr. Barry moved to indefinitely postpone the section and amendment;

Which was carried.

Section 8 was adopted, and reads as follows:

SEC. 8. The Legislature shall provide by law for the indictment and trial of persons charged with the commission of any felony in any county other than that in which the offense was committed, whenever, owing to prejudice or any other cause, an impartial grand or petit jury cannot be empaneled in the county in which the offense was committed.

Section 9 was adopted, and reads as follows:

SEC. 9. The credit of the State shall not be pledged or loaned in aid of any person, association, or corporation, nor shall the State hereafter become a stockholder in any corporation or association.

Section 10 was adopted, and reads as follows:

SEC. 10. The Legislature shall have no power to grant acts of incorporation to individuals for banks, or other moneyed institutions, or for insurance companies, or for any business purposes, when such acts shall provide for capital stock without enjoining on such corporation the payment of a tax of one-half of one per cent. per annum during the continuance of the charter, on the capital stock named in the grant; and this tax shall be levied and collected in the county in which the corporation is located.

Section 11 was adopted, and reads as follows:

SEC. 11. The term of office of all county, township, and precinct officers shall expire thirty days after this Constitution goes into effect, and the Governor shall thereafter appoint such officers, whose term of office shall continue until the Legislature shall provide by law for an election of said officers.

Section 12 was adopted, and reads as follows:

SEC. 12. It shall be the duty of the Legislature, at its first session after the adoption of this Constitution, to enact a law dividing the State into ten districts, and provide for the appointment of ten commissioners, one for each district, who shall hold their offices for the term of four years, and until their successors be duly appointed and qualified, whose duty it shall be to classify the lands of the State and equalize the value of the same for taxation.

Section 13 was adopted, and reads as follows:

SEC. 13. In all cases not otherwise provided for in this Constitution, the Legislature may determine the mode of filling all vacancies in all offices, and shall define their respective powers and provide suitable compensation for all officers.

Section 14:

Mr. Railsback moved to amend as follows:

Add the words "the courts shall apply the same liberal principles in favor of such titles as in sales by execution;"

Which was carried.

Mr. Cunningham moved to amend as follows:

Strike out all after the word "lands," in the fourth line, to and including the word "simple," in the tenth line.

Mr. Holland moved to amend as follows:

*Provided*, That no land shall be sold for taxes accruing on it during the rebellion, or under the disorganized state of the government since the close of the war.

Mr. Fitzhugh moved to indefinitely postpone;

Which was carried.

Mr. Beam moved to amend as follows:

*Provided*, That said lands do not belong to minors, which lands shall be subject to redemption at any time prior to puberty;

Which was laid on the table.

Mr. Castello offered the following:

Sec. —. Taxes on lands shall be charged on the lands taxed, and sales of lands thereof shall not be declared invalid and the title thereof shall not be questioned by reason of any error in the assessment or proceedings in relation to said tax, prior to the sale; *Provided*, That the Legislature may, by law, protect the interest of minors and insane persons; *And provided further*, That when lands are sold for non-payment of the taxes, they may be sold in parcels not to exceed eighty acres;

Which was lost.

And the amendment of Mr. Cunningham was adopted;

And the section as amended was adopted, and reads as follows:

Sec. 14. The Legislature, at its first session, shall provide by law for the sale of all delinquent tax lands, and the courts shall apply the same liberal principles in favor of such titles as in sales by execution.

Section 15 was adopted, and reads as follows:

Sec. 15. The Legislature shall direct, by law, in what manner and in what courts suits may be brought against the State.

Section 16 was adopted, and reads as follows:

Sec. 16. No laws of a general feature, unless otherwise provided for, shall be enforced until sixty days after the passage thereof.

Section 17 was adopted, and reads as follows:

Sec. 17. It shall be the duty of the Legislature to regulate by law the cases in which deductions shall be made from salaries of public officers from neglect of duty in their official capacity, and the amount of said deduction.

Section 18 was indefinitely postponed.

Section 19:

Mr. Morgan moved to indefinitely postpone.

Mr. Castello moved to table;

Which was lost.

And the motion of Mr. Morgan to indefinitely postpone, was carried.

The Convention adjourned to meet Monday morning at 9 o'clock.

T. P. Sears,
*Secretary.*

## NINETIETH DAY.

Jackson, Miss., Monday April 20th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Chapman, Chappell, Clarke, Combash, Drane, Elliott John, Fitzhugh, Gibbs, Handy, Hauser, Holland, Hutto, Jacobs, Johnson S., Lawson, Leonard, Musgrove, Moore, Morgan, McKee, McKnight, Newsom, Ozanne, Parsons J. R., Parsons F., Powell, Quinn, Railsback, Richardson, Stewart, Stiles, Toy, Warren, Weir, Williams, Woodmansee, and Yeoman—47.

The following delegates were absent:

Messrs. Caldwell, Castello, Collins, Conley, Cunningham, Dowd, Elliott James, Fawn, Field, Herbert, Howe, Jamison, Johnson A., Jones, Kerr, Lack, Leas, Mayson, Mask, Miles, Myers, Mygatt, Neilson, Nelms, Niles, Orr, Peyton E. A., Peyton E. G., Rainey, Smith, Stites, Stovall, Stringer, Walker—32.

Journal of Saturday read and approved.

Leaves of absence were granted to Mr. Fawn for one day; to Mr. Nelms, from day to day; to Mr. Field, from day to day; to Mr. Niles, for two days.

Mr. Clarke moved to suspend the rules and take up the general order of the day;

Mr. Ozanne offered the following,

Which was lost:

*Resolved*, That from and after this date no leave of absence be granted to any delegate of this Convention, nor shall they be allowed to absent themselves from any session, except on account of sickness, on pain of forfeiture of their per diem.

Mr. Woodmansee moved to table;

Which was carried.

The report of the committee on General Provisions was taken up.

And section 20 was indefinitely postponed.

Section 21:

Mr. Alderson moved to amend by striking out the word "Congressional," in the fifth and ninth lines, and inserting the words "Circuit Court."

Mr. Clarke offered the following as an amendment to the amendment:

In the third line insert after the word "shall," the words, "have the authority to."

Mr. Combash moved to lay the amendment, and the amendment thereto on the table;

Which was lost.

And the amendment of Mr. Clarke was adopted.

Mr. Gibbs moved the previous question, which was sustained; and the amendment to the amendment was adopted, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Barry, Beam, Bonney, Bridges, Brinson, Chapman, Chappell, Clarke, Fitzhugh, Gibbs, Hauser, Holland, Jacobs, Lawson, Moore, McKee, McKnight, Newsom, Ozanne, Powell, Railsback, Richardson, Stewart, Toy, Warren, Weir, Williams, Woodmansee, and Yeoman—31.

NAYS—Messrs. Ballard, Combash, Drane, Handy, Hutto, Johnson S., Morgan, Parsons F., Parsons J. R., and Stiles—10.

And the section as amended was adopted by the following vote:

YEAS—Messrs. Alderson, Alcorn, Barry, Beam, Bonney, Bridges, Brinson, Chapman, Chappell, Clarke, Elliott John, Fitzhugh, Gibbs, Hauser, Holland, Lawson, Moore, McKnight, Newsom, Ozanne, Powell, Railsback, Richardson, Smith, Stiles, Stewart, Toy, Warren, Weir, Williams, Woodmansee, and Yeoman—32.

NAYS—Messrs. Ballard, Combash, Drane, Handy, Hutto, Johnson S., Musgrove, Morgan, McKee, Parsons F., and Parsons J. R.—11.

And section 21 reads as follows:

SEC. 21. The Legislature at its first session under this Constitution, shall have authority to designate by law such loyal paper or papers in each Circuit Court District as shall publish all legal advertising and such official printing as shall be required by law in such Circuit Court District, and fix the compensation therefor.

Section 22:

Mr. Parsons, of Adams, moved to to indefinitely postpone;

Which was carried.

Section 23 was adopted, and reads as follows:

SEC. 23. No corporate body shall hereafter be created, renewed, or extended, with the privilege of making, issuing, or putting in circulation any notes, bills, or other paper, or the paper of any other bank, to circulate as money, and the Legislature shall prohibit by law individuals or corporations from issuing bills, checks, tickets, promissory notes, or other paper as money; but nothing herein contained shall be construed as preventing corporations or associations from forming for such purposes under the Acts of Congress for a national system of banking.

Section 24 was adopted, and reads as follows:

SEC. 24. The property of all corporations for pecuniary profits shall be subject to taxation the same as that of individuals.

Section 25 was indefinitely postponed.

Section 26 was indefinitely postponed.

Section 27:

Mr. Clarke moved to indefinitely postpone;

Which was laid on the table.

And section 27 was lost.

Section 28 was adopted, and reads as follows:

Sec. 28. The Legislature shall not authorize any county, city, or town, to become a stockholder in, or to loan its credit to any Company, Association, or Corporation, unless two-thirds of the qualified voters of such county, city, or town, at a special election or regular election to be held therein shall assent thereto.

Section 29 was adopted, and reads as follows:

Sec. 29. The Legislature shall never authorize any lottery, nor shall the sale of lottery tickets be allowed, nor shall any lottery heretofore authorized, be permitted to be drawn, or tickets therein to be sold.

Section 30 was adopted, and reads as follows:

Sec. 30. No county shall be denied the right to raise by special tax, money sufficient to pay for the building and repairing of court-houses, jails, bridges, and other necessary conveniences for the people of the county; and money thus collected shall never be appropriated for any other purposes; *Provided*, The tax thus levied shall be a certain per cent. on all tax levied by the State.

Section 31:

Mr. McKee moved to amend section 31 by adding at the end of the section the words "unless so specified in the article of incorporation;"

Which was lost.

Mr. Weir moved to amend by striking out the word "no" in the fifth line, and adding the letter "s" to "stockholder;"

Which was lost.

Mr. Parsons, of Adams, moved to indefinitely postpone.

Mr. Fitzhugh moved to table;

Which was carried.

Mr. McKee, of Warren, moved to amend the section as follows:

Add to the end of the section the words "unless so specified in the articles of association or act of incorporation;

Which was adopted.

And section 31 was adopted as amended, and reads as follows:

Sec. 31. Liabilities of banks, associations, and other corporations, shall be secured by legislative enactments, but in all cases, no stockholder shall be individually liable over and above the stock by him owned, unless so specified in the articles of association or acts of incorporation.

Mr. Clarke offered the following as an additional section:

Sec. 32. All lands sold in pursuance of decrees of courts or execution, shall be divided into tracts not to exceed one hundred and sixty acres.

Mr. Fitzhugh moved to indefinitely postpone;

Which was laid on the table.

And the section was adopted, and reads as above.

Mr. Parsons offered the following as an additional section:

SEC. 33. Returns of all elections shall be made to the Secretary of State in such manner as may be prescribed by law.

Mr. Gibbs moved to indefinitely postpone;

Mr. Fitzhugh moved to table;

Which was lost.

And the motion to indefinitely postpone was lost.

And the section was adopted, and reads as above.

Mr. Alderson offered the following as an additional section.

SEC. 34. No person shall be turned out of any court of law or equity, or have his cause of action rejected or delayed on account of being ruled for security for costs; *Provided*, He shall make oath or affirmation that he is not able to give such security, and no person having had a cause of action tried before a Justice of the Peace and wishing to take an appeal to the Circuit or any other Court, shall be required to give bond and security; *Provided*, He shall make oath or affirmation that he believes justice has not been done him, and that he is not able to give such bond and security;

Which was laid on the table.

Mr. Alderson offered the the following as an additional section.

SEC. —. No exemption laws passed by the legislature shall ever touch or in any way act contracts made prior to the Exemption Act, and no property over and above $250 00, to be selected by the debtor, shall be exempt from the wages of labor.

Mr. McKee moved to strike out all of the section to the word "no," before the word "property;"

Which was carried.

Mr. Weir offered the following, as an addition to the section: "Or any other legal liability."

Mr. Stiles moved to table;

Which was lost.

And the amendment was adopted.

Mr. Morgan moved to amend as follows: "The Legislature, at its first session shall have authority to make such laws for the exemption of property from sale or execution for debts contracted since the first day of January, 1861, or that may be hereafter contracted, as in its wisdom it may deem most expedient and conducive to the welfare of all the people of this State, not conflicting with the Constitution and laws of the United States or of this State."

Mr. Gibbs moved to indefinitely postpone the amendment of Mr. Morgan;

Pending action upon which, the Convention adjourned to meet at 3 o'clock P. M.

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Drane, Elliott John, Field, Gibbs, Handy, Hauser, Holland, Hutto, Jacobs, Johnson S., Lawson, Leonard, Musgrove, Moore, Morgan, McKee, McKnight, Parsons F., Parsons J. R., Powell, Railsback, Richardson, Stewart, Stringer, Toy, Warren, Weir, Williams, Woodmansee, Yeoman—45.

The following delegates were absent:

Messrs. Collins, Conley, Cunningham, Dowd, Elliott James, Fawn, Fitzhugh, Herbert, Howe, Jamison, Johnson A., Jones, Kerr, Lack, Leas, Mayson, Mask, Miles, Myers, Mygatt, Neilson, Nelms, Newsom, Niles, Orr, Ozanne, Peyton E. A., Peyton E. G., Quinn, Rainey, Smith, Stites, Stovall, Stiles, Warren—35.

Leaves of absence were granted to Mr. E. A. Peyton for three days; to Mr. Myers, for three days; to Mr. Mygatt, for one day; to Mr. Leas, for one day; to Mr. A. Johnson, for one day.

The motion of Mr. Gibbs, which was pending on adjournment, was carried.

Mr. Morgan moved to suspend the rules to enable him to introduce a resolution;

Which was lost.

Mr. Alderson moved to indefinitely postpone section and amendments;

Which was carried.

Mr. Morgan moved to suspend the rules to enable him to introduce a resolution.

A motion to table was carried, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Brinson, Chapman, Chappell, Clarke, Combash, Elliott John, Field, Hauser, Holland, Jacobs, Johnson S., Lawson, Leonard, Musgrove, Moore, McKee, McKnight, Newsom, Parsons F., Railsback, Richardson, Stiles, Toy, Weir, Woodmansee, and Yeoman—31.

Nays—Messrs. Bridges, Caldwell, Castello, Drane, Fitzhugh, Gibbs, Handy, Hutto, Morgan, Parsons J. R., Powell, Stewart, Stringer, Warren, and Williams—15.

Mr. Alderson offered the following as an additional section:

Sec. —. Each and every head of a family may have and possess, free from every description of claim, demand, and execution, of any and every kind of creditor, not more than $500 worth of personal property of fair valuation, to be selected by the owner, and not more than one hundred and sixty acres of land, if in the country, and a house and lot to the value of not more than one thousand and five hundred dollars, if in a town, as the law may direct; also the wearing apparel of each and every member of the family; which property, so exempted by law, shall descend, and vest, as though no demand, debt or execution existed against it; *Provided*, No property shall be exempt from execution for the purchase money of said property and the wages of the laborer.

Mr. Castello moved to strike out the words "one hundred and sixty acres," and insert the words "eighty acres."

Mr. F. Parsons moved to indefinitely postpone the section and amendments;

Which was carried.

Mr. Castello offered the following:

Sec. —. That all contracts, judgments, securities or mortgages whatsoever, made, given, granted, entered into, or executed, where the consideration of such contract, judgment, security or mortgage, was for slaves or the hire of slaves, are hereby declared null and void.

Mr. McKee moved to refer to committee on Relief.

A motion to table was lost.

And the section was so referred.

Mr. Castello offered the following as an additional section.

Sec. —. All citizens of the State of Mississippi who are unable to make a living by manual labor shall not hereafter be compelled to pay a poll-tax in this State;

Which was adopted.

Mr. Castello offered the following as an additional section:

Sec. —. Taxation shall be equal and uniform throughout the State. All property shall be taxed in proportion to its value to be ascertained as directed by law;

Which was adopted.

Mr. Clarke moved to adopt as a whole, on second reading, and print 100 copies;

Which was carried.

The report of the committee on Franchise was taken up on third reading.

The rules were suspended to take action in the case of the Official Reporter.

Mr. Morgan moved to postpone action in the matter until tomorrow;

Which was carried.

The Convention resumed the consideration of the Franchise Report.

Section 1 was adopted, and reads as follows:

Section 1. All elections by the people shall be by ballot.

Section 2 was adopted, and reads as follows:

Sec. 2. All male inhabitants of this State, except idiots and insane persons, and Indians, not taxed, born in the United States, or naturalized, twenty-one years old and upwards, who have resided in this State six months, and in the county one month next preceding the day of election, at which said inhabitant offers to vote, and who are duly registered according to the requirements of section 3 of this article, and who are not disqualified by reason of any crime, are declared to be qualified electors.

Section 3 was adopted, and reads as follows:

Sec. 3. The Legislature shall provide, by law, for the registration of all persons entitled to vote at any election, and all persons entitled to register shall take and subscribe to the following oath or affirmation: "I........ do solemnly swear (or affirm), in the presence of Almighty God, that I am twenty-one years old, that I have resided in this State six months, and in......county one month; that I will faithfully support and obey the Constitution and laws of the United States and of the State of Mississippi, and will bear true faith and allegiance to the same; that I am not disfranchised in any of the provisions of the Acts known as the Reconstruction Acts of the 39th and 40th Congress, and that I admit the political and civil equality of all men, so help me God;" *Provided*, That if Congress shall, at any time, remove the disabilities of any person disfranchised in the said Reconstruction Acts of the said 39th and 40th Congress (and the Legislature of this State shall concur therein), then so much of this oath, and so much only as refers to the said Reconstruction Acts, shall not be required of such person so pardoned, to entitle him to be registered.

Section 4 was adopted, and reads as follows:

Sec. 4. No person shall be eligible to any office of profit or trust, or to any office in the militia of this State, who is not a qualified voter.

Mr. Field moved to adjourn;

Which was lost.

Mr. Warren moved to postpone the consideration of section 5 until to-morrow morning, at ten o'clock;

Which was adopted.

Mr. Parsons moved to adjourn;

Which was carried.

Convention adjourned to meet to-morrow morning, at 9 o'clock.

T. P. Sears,
*Secretary.*

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## NINETY-FIRST DAY.

Jackson, Miss., Tuesday, April 21st, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Drane, Elliott John, Fawn, Field, Fitzhugh, Gibbs, Handy, Holland, Hutto, Jacobs, Johnson A., Johnson, S., Lawson, Leas, Leonard, Mayson, Musgrove, Moore, Morgan, Mygatt, McKee, McKnight, Newsom, Ozanne, Parsons F,. Parsons J. R., Powell, Quinn, Railsback, Richardson, Stewart, Stringer, Stiles, Toy, Warren, Weir, Woodmansee, and Yeoman—53.

The following delegates were absent:

Messrs. Collins, Conley, Cunningham, Dowd, Elliott James, Hauser, Herbert, Howe, Jamison, Jones, Kerr, Lack, Mask, Miles, Myers, Neilson, Nelms, Niles, Orr, Peyton E. A., Peyton E. G., Rainey, Smith, Stites, Stovall, Walker, and Williams—27.

Journal of yesterday was read and approved.

Leave of absence was granted to Mr. Stites, from day to day.

MR. PRESIDENT: The minority of the committee on Ordinance and Schedule, to whom was referred the fifth section of the report, beg leave to submit the following for section 5, and recommend its adoption.

W. T. COMBASH.

SEC. 5. The election for the ratification of this Constitution, shall be held on the ——— days of ———, 1868, at such places, and shall continue such time as the Commanding General of the Fourth Military District may direct, and the polls shall be kept open from seven o'clock, A. M., until seven o'clock, P. M., each day. At said election, all those in favor of ratifying the Constitution, shall have written or printed on their ballots, the words, "For Constitution," and those opposed to the ratification of the same, shall have written or printed on their ballots, the words, "Against Constitution," but no person shall vote for or against this Constitution, on a separate ballot from that cast by him for officers to be elected at said election under this Constitution.

Report received,

Mr. Morgan, of Yazoo, offered the following:

*Resolved*, That any member absent when a vote is taken on any question, unless on leave, or for other good reason, shall forfeit his per diem for that day.

A motion to table was carried, by the following vote:

YEAS—Messrs. Alcorn, Ballard, Barry, Beam, Bridges, Brinson, Castello, Chapman, Chappell, Clarke, Combash, Drane, Elliott John, Field, Holland, Johnson A., Leonard, Moore, Mygatt, McKee, McKnight, Newsom, Parsons F., Parsons J. R., Richardson, Stiles, Toy, Warren, Woodmansee, Yeoman—30.

NAYS—Messrs. Bonney, Caldwell, Fawn, Fitzhugh, Gibbs, Handy, Hutto, Johnson S., Lawson, Leas, Mayson, Musgrove, Morgan, Ozanne, Railsback, Stewart, Stringer, and Weir—18.

The Convention proceeded to the consideration of the report of the committee on Franchise, on its third reading.

And section 6 was adopted, and reads as follows:

SEC. 6. In time of war, insurrection, or rebellion, the right to vote at such place, and in such manner as shall be prescribed by law, shall be enjoyed by all persons otherwise entitled thereto, who may be in the actual military or naval service of the United States, or this State; *Provided*, Said votes be made to apply in the county or precinct wherein they reside.

Section 7:

Mr. Gibbs moved that the Convention go into the Committee of the Whole, for the consideration of the 7th section;

Which was carried.

And after certain proceedings had therein, committee rose, and through ther chairman, Mr. Musgrove, of Clarke, reported section 7, amended to read as follows:

Section 7:

No elector shall be deemed to have lost his residence in this State by reason of absence therefrom in the service of the United States or of this State.

Mr. Clarke moved that the report of the Committee of the Whole be received;

Which was carried.

Mr. Clarke moved the adoption of the report;

Which was lost.

Section 7:

Mr. Alderson moved to indefinitely postpone the section;

Which was carried.

Mr. Stiles moved to go into the Committee of the Whole to consider section 5;

Which was carried.

And after certain action had therein, committee rose and reported progress, and asked leave to sit again.

Report received, and request granted.

Convention adjourned until 3 o'clock, P. M.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Clarke, Combash, Drane, Elliott John, Fawn, Field, Fitzhugh, Gibbs, Holland, Hutto, Jacobs, Johnson S., Johnson A., Lawson, Leas, Leonard, Mayson, Musgrove, Moore, Morgan, Mygatt, McKee, McKnight, Newsom, Ozanne, Parsons F., Parsons J. R., Powell, Quinn, Railsback, Richardson, Stewart, Stringer, Stiles, Toy, Warren, Weir, Woodmansee, and Yeoman—51.

The following delegates were absent:

Messrs. Chappell, Collins, Conley, Cunningham, Dowd, Elliott James, Handy, Herbert, Hauser, Howe, Jamison, Jones, Kerr, Lack, Mask, Miles, Myers, Neilson, Nelms, Niles, Orr, Peyton E. A., Peyton E. G., Rainey, Smith, Stites, Stovall, Walker, and Williams—29.

Mr. Warren moved to go into Committee of the Whole, to take into consideration the 5th section of the Franchise report.

Mr. Morgan moved to adopt section 5.

Mr. McKee moved to lay on the table;

Which was carried, by the following vote:

YEAS—Messrs. Alcorn, Ballard, Beam, Castello, Clarke, Elliott John, Fawn, Gibbs, Hutto, Johnson S., Leas, Morgan, Mygatt, McKee, McKnight, Newsom, Parsons F., Parsons J. R., Quinn, Richardson, Toy, Warren, and Woodmansee—23.

NAYS—Messrs. Barry, Bridges, Brinson, Caldwell, Chapman. Fitzhugh, Holland, Johnson A., Lawson, Leonard, Mayson, Moore, Morgan, Ozanne, Powell, Stewart, Stringer, Weir—18.

Mr. Fitzhugh moved to go into the committee of the Whole to consider the report on Franchise;

Which was carried.

And after certain proceedings had therein, the committee rose, and through its chairman, Mr McKee, reported progress and asked leave to sit again to-morrow.

Report received and request granted.

The Convention adjourned to meet to-morrow morning at 9 o'clock.

T. P. SEARS,
*Secretary.*

## NINETY-SECOND DAY.

JACKSON, MISS., Wednesday, April 22d, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alcorn, Alderson, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Drane, Elliott John, Fawn, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Holland, Hutto, Jacobs, Johnson S.. Johnson A., Lawson, Leas, Leonard, Mayson, Musgrove, Morgan, Moore, Myers, Mygatt, McKee, McKnight, Newsom, Niles, Ozanne, Parsons F., Parsons J. R.,, Powell, Railsback, Richardson, Stewart, Stites, Stringer, Toy, Warren, Weir, Williams, Woodmansee, and Yeoman—56.

The following delegates were absent:

Messrs. Conley, Collins, Cunningham, Dowd, Elliott James, Field, Howe, Jones, Kerr, Jamison, Lack, Mask, Miles, Neilson, Nelms, Orr, Peyton E. A., Peyton E. G., Quinn, Rainey, Smith, Stovall, Stiles, and Walker—24.

Journal of yesterday read and approved.

Leaves of absence were granted, to Mr. Field from day to day; to Mr. Walker for five days.

*To the President and Members of the Convention:*

Your Finance Committee beg leave to submit the accompanying ordinance to facilitate the collection of the tax levied by this Convention.

FRED. PARSONS, *Chairman.*
B. LEAS,
J. B. WOODMANSEE,
*Committee.*

AN ORDINANCE TO AMEND AN ORDINANCE PASSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MISSISSIPPI, FEBRUARY 27, 1860, TO PROVIDE FOR THE LEVY AND COLLECTION OF A SPECIAL TAX UPON THE PROPERTY IN THE STATE OF MISSISSIPPI TO PAY THE EXPENSES OF SAID CONVENTION, IN CONFORMITY WITH THE EIGHTH SECTION OF AN ACT OF CONGRESS OF THE UNITED STATES, PASSED MARCH 23, 1867.

SECTION 1. *Be it ordained by the people of the State of Mississippi, in Convention assembled,* That so much of section 4 of the above entitled ordinance, as requires the Sheriffs of the several counties to proceed to the collection of all taxes remaining due and unpaid at the expiration of ten days by distress and sale, be amended so as to read as follows:

That hereafter the time for collecting the Convention tax shall be the same as that allowed for the collection of the State taxes now being collected by the several Sheriffs, and all sales for taxes unpaid under said ordinance shall be made at the same time, and in the same manner as sales are now made for State and county taxes; *Provided,* That the penalty of twenty-five per cent. as mentioned in said section, incurred by any person by reason of non-payment of said tax as therein specified, shall be also extended in conformity with this section.

SEC. 2. *Be it further ordained,* That two hundred and fifty dollars worth of real or personal property to the head of each family shall be exempt from the payment of any tax under and by virtue of the above entitled ordinance; *Provided,* That this section shall not apply to collections already made.

Report received and made the special order for 3 o'clock to-day, and one hundred copies ordered to be printed.

MR. PRESIDENT: Your committee on Internal Improvements to whom was referred the following resolution:

*Resolved,* That the President appoint a special committee of five to take into immediate consideration the propriety of incorporating into the Constitution an article providing for the election or appointment of a commissioner of immigration for the State, and defining his duties;

Have had the same under consideration, and have instructed me to report the following section thereon for adoption:

SEC. —. There shall be a Commissioner of Immigration and Agriculture elected at the same time and place that other State officers are elected, and who shall hold his office for the term of four years, unless sooner removed by law.

J. HAUSER, *Chairman.*
C. W. BEAM,
AMOS DRANE,
*Committee.*

Report received and lies over under the rules, and 100 copies ordered to be printed.

*To the President and Members of Constitutional Convention:*

Gentlemen—Your committee, to whom was referred a resolution introduced by Mr. Stringer, of Warren, on the — day of ——, beg leave to report that after careful and deliberate consultation, we have resolved to submit the following, and respectfully recommend that it be inserted in the Constitution, under the head of General Provisions, as additional sections.

A. T. Morgan,
Thos. W. Stringer,
*Committee.*

Section 1. All persons who are now living, and all persons who have heretofore lived and cohabited as husband and wife, shall be taken and held as lawfully married to all intents and purposes in law; and their issue shall be taken and held as legitimate offspring for all purposes in law.

Sec. 2. The first Legislature shall provide by law for the punishment of adultery and concubinage.

Report received, and lies over under the rules, and one hundred copies ordered to be printed.

The rules were suspended to take up the report of the committee on Franchise.

Mr. Fitzhugh moved that the Convention go into Committee of the Whole for its consideration;

Which was carried.

And after certain action had therein, the committee rose, and through their chairman, Mr. Musgrove, reported progress, and asked leave to sit again.

Report received.

Convention adjourned to meet at three o'clock p. m.

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Clarke, Combash, Drane, Elliott John, Fawn, Gibbs, Handy, Hauser, Herbert, Holland, Jacobs, Johnson S., Johnson, A., Lawson, Leas, Leonard, Mayson, Musgrove, Moore, Morgan, Mygatt, McKee, McKnight, Newsom, Niles, Ozanne, Parsons F., Parsons J. R., Powell, Railsback, Richardson, Stewart, Stringer, Stiles, Toy, Warren, Weir, Williams, Woodmansee, and Yeoman—52.

The following delegates were absent:

Messrs. Chappell, Collins, Conley, Cunningham, Dowd, Elliott James, Field, Fitzhugh, Howe, Jamison, Jones, Kerr, Lack, Mask, Miles, Myers, Neilson, Nelms, Orr, Peyton E. A., Peyton E. G., Quinn, Rainey, Smith, Stites, Stovall, Walker—27.

Convention resumed the consideration of the report on Franchise.

Section 5:

Mr. Chapman offered the following:

Add to end of section the following: *Provided further*, That nothing in this section, except voting for or signing the ordinance of secession, shall be so construed as to exclude from office the private soldier of the late so-called Confederate States army;

Which was adopted.

Mr. Gibbs moved to go into Committee of the Whole to consider the 5th section of the report of the committee on Franchise.

Mr. Parsons, of Adams, moved the previous question;

Which was sustained.

And section 5 as amended, was adopted by the following vote:

YEAS—Messrs. Alcorn, Barry, Bonney, Bridges, Brinson, Caldwell, Chapman, Clarke, Combash, Drane, Fawn, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Holland, Jacobs, Johnson A., Lawson, Leas, Leonard, Mayson, Moore, Morgan, Myers, Mygatt, McKnight, Newsom, Ozanne, Powell, Railsback, Richardson, Stewart, Stiles, Stringer, Toy, Weir, Williams, and Yeoman—40.

NAYS—Messrs. Ballard, Beam, Castello, Elliott John, Hutto, Johnson S., Musgrove, McKee, Miles, Parsons F., Parsons J. R., Stiles, and Warren—13.

And reads as follows:

SEC. 5. No person shall be eligible to any office of profit or trust, civil or military, in this State, who, as a member of the Legislature, voted for the call of the Convention that passed the Ordinance of Secession, or who, as a delegate to any Convention, voted for or signed any ordinance of secession, or who gave voluntary aid, countenance, counsel or encouragement to persons engaged in armed hostility to the United States, or who accepted or attempted to exercise the functions of any office, civil or military, under any authority or pretended government authority, power, or Constitution, within the United States, hostile or inimical thereto, except all persons who aided reconstruction by voting for this Convention; but the Legislature may, by a vote of two-thirds of each House, remove such disability; *Provided*, That nothing in this section, except voting for or signing the Ordinance of Secession shall be so construed as to exclude from office the private soldier of the late so-called Confederate States army.

Mr. Mygatt offered the following:

SEC. 6. It shall be the duty of the Legislature of 1875 to pass an Act referring general amnesty to the people of this State; and if a majority of the members of the popular branch of the Legislature are returned in its favor, the Legislature of

1876 shall pass an Act of general amnesty, to take effect July 4th, A. D. 1876;

Which was lost.

Mr. Hauser offered the following, as an additional section:

SEC. —. All persons who vote for the ratification of this Constitution, or who advocate its adoption, shall be eligible to office in this State; *Provided,* That persons who are ineligible by reason of the 14th article of the Constitution of the United States, shall not hold office until their disabilities are removed in accordance with the provisions of said article.

Mr. Morgan moved to table;

Which was carried.

Mr. Morgan moved to adopt the report on Franchise as a whole.

Mr. F. Parsons moved to table;

Which was lost, by the following vote:

YEAS—Messrs. Alderson, Beam, Castello, Elliott John, Gibbs, Hauser, Hutto, Jacobs, Johnson S., Leas, Musgrove, Mygatt, McKnight, Niles, Newsom, Parsons F., Parsons J. R., Railsback, Stiles, and Warren—20.

NAYS–Messrs. Alcorn, Ballard, Barry Bonney, Bridges, Brinson, Caldwell, Clarke, Fawn, Fitzhugh, Handy, Holland, Johnson A., Lawson, Leonard, Mayson, Morgan, Myers, Ozanne, Powell, Richardson, Stewart, Stites, Stringer, Toy, Weir, Williams, Woodmansee, and Yeoman—29.

Mr. F. Parsons moved to indefinitely postpone.

Mr. Morgan moved to table;

Which was carried.

Previous question called, call sustained;

And the motion of Mr. Morgan to adopt as a whole was carried, by the following vote:

YEAS—Messrs. Alcorn, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Clarke, Elliott John, Fawn, Fitzhugh, Handy, Holland, Jacobs, Johnson A., Lawson, Leas, Leonard, Mayson, Morgan, Myers, Mygatt, Newsom, Ozanne, Parsons J. R., Powell, Richardson, Stewart, Stites, Stringer, Toy, Warren, Weir, Williams, Woodmansee, and Yeoman—37.

NAYS—Messrs. Alderson, Ballard, Beam, Gibbs, Hauser, Hutto, Johnson S., Musgrove, McKnight, Niles, Parsons F., Railsback, and Stiles—13.

Mr. A Johnson moved to adjourn;

Which was lost.

Mr. Barry, of Holmes, moved to refer report on Franchise to the committee on Form and Arrangement;

Which was carried.

The Convention took up for consideration the ordinance rereported by the Finance Committee this morning, and the ordinance passed its first reading.

Mr. Castello moved to suspend the rules to put the ordinance upon its second reading by sections;

Which was carried;

And section 1 was adopted, and reads as follows:

SECTION 1. *Be it ordianed by the people of the State of Mississippi, in Convention assembled,* That so much of section 4 of the above entitled ordinance as requires the Sheriffs of the several counties to proceed to the collection of taxes remaining due and unpaid at the expiration of ten days, by distress and sale, be amended so as to read as follows: "That hereafter the time for collecting the Convention tax shall be the same as that allowed for the collection of the State taxes now being collected by the several Sheriffs, and all sales for taxes unpaid under said ordinance, shall be made at the same time, and in the same manner, as sales are now made for State and county taxes; *Provided,* That the penalty of 25 per cent., as mentioned in said section, incurred by any person, by reason of non-payment of said tax, as therein specified, shall be also extended in conformity with this section."

Mr. Niles moved to adjourn;

Which was carried.

The Convention adjourned to meet to-morrow morning at 9 o'clock.

T. P. SEARS,
*Secretary.*

## NINETY-THIRD DAY.

JACKSON, MISS., Thursday, April 23d, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Beam, Barry Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Cunningham, Drane, Elliott John, Fawn, Field, Fitzhugh, Gibbs, Handy, Hauser, Holland, Hutto, Jacobs, Johnson A., Johnson, S., Lawson, Leas, Leonard, Mayson, Musgrove, Moore, Morgan, Myers, Mygatt, McKnight, Neilson, Niles, Newsom, Ozanne, Parsons F., Parsons J. R., Powell, Railsback, Richardson, Stewart, Stites, Stringer, Stiles, Toy, Warren, Weir, Williams, Woodmansee, and Yeoman—58.

The following delegates were absent:

Messrs. Collins, Conley, Dowd, Elliott James, Herbert, Howe, Jamison, Jones, Kerr, Lack, Mask, Miles, McKee, Nelms, Orr, Peyton E. A., Peyton E. G., Quinn, Rainey, Smith, Stovall, Walker—22.

Journal of yesterday read and approved.

Leaves of absence were granted to Mr. Conley from day to day; to Mr. James Elliott for five days; to Mr. M. T. Newsom for one day; to Mr. Geo. C. McKee for one day; and to Mr. E. A. Peyton from day to day.

Mr. Barry moved to suspend the rules to permit him to introduce an ordinance, and to permit the matter of title to lands for government cemeteries in Tishomingo county to be taken up;

Which was carried.

Whereupon, Mr. Barry introduced the following:

AN ORDINANCE FOR THE RELIEF OF JOSHUA S. MORRIS, OF CLAIBORNE COUNTY, AND ELIJAH A. PEYTON, OF HINDS COUNTY, AND JEFFERSON L. WOFFORD OF TISHOMINGO COUNTY IN THE STATE OF MISSISSIPPI.

*Be it ordained by the people of Mississippi, in Convention assembled*, That Joshua S. Morris, of Claiborne couty, Elijah A. Peyton, of Hinds county, and Jefferson L. Wofford, of Tishomingo county, in this State, are herby exempted from the operation of any disabling clause in the Constitution formed by this Convention, both as to suffrage and elegibility to office, and all their political disabilities real or supposed are hereby removed.

Mr. Barry moved to receive the ordinance and take action upon it;

Which was carried, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Barry, Beams, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Fitzhugh, Holland, Jacobs, Johnson A., Leas, Mayson, Moore, Morgan, Myers, Mygatt, McKnight, Ozanne, Powell, Railsback, Richardson, Stewart, Stites, Stringer, Stiles, Warren, Weir, Williams, Woodmansee, and Yeoman—37.

NAYS—Messrs. Fawn, Field, Gibbs, Hauser, Hutto, Johnson S., Leonard, Musgrove, and Parsons F—9.

Mr. Morgan moved to put the ordinace upon its first reading by its title.

Mr. Leas moved the previous question,

Which was sustained;

And the motion of Mr. Morgan was carried.

Mr. Gibbs moved to suspend the rules, and put the ordinance upon his its second reading, and under the operation of the previous question, the motion of Mr. Gibbs was carried, by the following vote:

YEAS—Messrs. Alcorn, Alderson, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Cunningham, Fitzhugh, Gibbs, Holland, Jacobs, Johnson A., Lawson, Leas, Leonard, Mayson, Moore, Morgan, Myers, Mygatt, McKnight, Ozanne, Powell, Railsback, Stewart, Stiles, Stinger, Stites, Wier, Woodmansee, and Yeoman—35.

NAYS—Messrs. Ballard, Beam, Clarke, Combash, Elliot John, Fawn, Field, Hauser, Hutto, Johnson S., Musgrove, Parsons F., Richardson, and Warren—14.

Mr. Gibbs offered the following:

Insert after "Wofford, of Tishoming county," the words "and all other loyal men in this State, who have advocated, and still advocate and sustain the reconstruction measures of the 39th and 40th Congress.

Mr. Fitzhugh moved to lay on the table;

Which was lost, by the following vote:

Yeas—Messrs. Barry, Bonney, Bridges, Brinson, Caldwell, Chapman, Cunningham, Fawn, Fitzhugh, Handy, Johnson A., Lawson, Leas, Leonard, Moore, Morgan, Ozanne, Powell, Stewart, Stringer, Wier, Williams, and Woodmansee—23.

Nays—Messrs. Alderson, Alcorn, Ballard, Beam, Castello, Chappell, Clarke, Combash, Drane, Elliott John, Field, Gibbs, Hauser, Holland, Hutto, Jacobs, Johnson S., Musgrove, McKnight, Myers, Parsons F., Parsons J. R., Railsback, Richardson, Stiles, Stites, Warren, and Yeoman—28,

Mr. Stiles moved the previous question,

Which was sustained;

And the amendment of Mr. Gibbs was lost, by the following vote:

Yeas—Messrs. Alderson, Beam, Clarke, Elliott John, Field, Hauser, Hutto, Jacobs, Johnson S., Musgrove, McKnight, Niles, Parsons F., Parsons J. R., Railsback, Richardson, Stiles, Warren, and Weir—19.

Nays—Messrs. Barry, Bonney, Bridges, Brinson, Caldwell, Combash, Cunningham, Drane, Fawn, Fitzhugh, Gibbs, Handy, Holland, Johnson A., Leas, Leonard, Mayson, Moore, Morgan, Myers, Mygatt, Ozanne, Powell, Stewart, Stites, Woodmansee, and Yeoman—27.

And the ordinance introduced by Mr. Barry passed its second reading, by the following vote:

Yeas—Messrs. Alderson, Barry, Bonney, Bridges, Brinson, Caldwell, Clarke, Combash, Cunningham, Drane, Fitzhugh, Gibbs, Handy, Holland, Jacobs, Johnson A., Leas, Leonard, Mayson, Moore, Morgan, Mygatt, McKnight, Ozanne, Parsons F., Parsons J. R., Powell, Railsback, Stewart, Stiles, Stringer, Stites, Warren, Weir, Woodmansee, and Yeoman—36.

Nays—Messrs. Beam, Elliott John, Fawn, Field, Hauser, Hutto, Johnson S., Musgrove, Myers, Niles, Richardson—11.

Mr. Gibbs moved to reconsider.

Pending consideration of the same, the Convention adjourned to meet at 3 o'clock p. m.

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Caldwell, Clarke, Combash, Cunningham, Drane, Fawn, Field, Gibbs, Hauser, Hutto, Jacobs, Johnson S., Johnson A., Lack, Lawson, Leas, Leonard, Mayson, Musgrove, Moore, Morgan, Myers, Mygatt, McKnight, Newsom, Niles, Ozanne, Parsons F., Powell, Railsback, Richardson, Stewart, Stites, Stringer, Stiles, Toy, Williams, Woodmansee, and Yeoman—47.

The following delegates were absent:

Messrs. Brinson, Castello, Chapman, Chappell, Collins, Conley, Dowd, Elliott John, Elliott James, Fitzhugh, Handy, Herbert, Holland, Howe, Jamison, Jones, Mask, Miles, McKee, Neilson, Nelms, Orr, Parsons J. R., Peyton E. A., Peyton E. G., Quinn, Rainey, Smith, Stovall, Walker, Warren, and Weir—33.

The motion to reconsider, pending on adjournment, was withdrawn.

Mr. Barry moved to suspend the rules that the ordinance might be put upon its third reading;

Which was carried.

Mr. Leonard moved the previous question;

Which was sustained.

And under the operation thereof, the ordinance was passed, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Ballard, Barry, Bonney, Bridges, Brinson, Caldwell, Clarke, Combash, Cunningham, Drane, Fawn, Gibbs, Handy, Holland, Jacobs, Johnson A., Johnson S., Lawson, Leas, Leonard, Mayson, Morgan, Mygatt, McKnight, Ozanne, Parsons F., Parsons J. R., Powell, Railsback, Richardson, Stewart, Stites, Stringer, Stiles, Toy, Warren, Weir, Williams, and Woodmansee—42.

Nays—Messrs. Field, Hauser, Hutto, Lack, Musgrove, and Neilson—6.

The committee on Public Lands submitted the following:

Mr. President: Your committee to whom was referred the following ordinance, which we approve and beg leave to report.

Respectfully,

J. W. Field,
*Chairman.*

### AN ORDINANCE TO CEDE TO THE UNITED STATES THE JURISDICTION OVER THE NATIONAL CEMETERIES IN THIS STATE, AND TO PROTECT THE SAME.

Section 1. *Be it ordained by the people of Mississippi, in Convention assembled*, That the exclusive jurisdiction over the tract of land and parcel of ground with the appurtenances thereto obtained, purchased, used, and occupied for burial purposes by and for the United States, hereinafter described with the premises thereto attached for officers' and soldiers' quarters, and for guards, is hereby ceded to the United States; *Provided, however*, That jurisdiction thereof shall be retained by the State of Mississippi, so far as to punish offenders against this law by presentment or indictment, and fine or imprisonment as hereinafter provided, "Union National Cemetery," located in Corinth, Tishomingo county, Mississippi, containing twenty acres of land, more or less.

Sec. 2. That the exclusive jurisdiction over this tract and parcel of land, with the buildings and appurtenances belonging to the same, including the quarters for officers, keepers, guards, or soldiers in charge of the same, and the premises connected therewith, now or at any time hereafter purchased, used or occupied by the United States, their officers or agents for a cemetery or burial place, located as aforesaid, is hereby ceded to the United States, and whenever such premises shall be no longer required, used, or occupied by the United States, the jurisdiction of such abandoned property may revert to the State of Mississippi.

SEC. 3. The property over which jurisdiction is ceded herein, shall be held exonerated and free from any taxation or assessment under the authority of this State, or any municipality therein, until the jurisdiction shall have reverted, and the title and possession to said cemetery, grounds, buildings, and appurtenances, shall be protected to the United States, and no process of any court, shall be permitted against the same, or to dispossess the officers or agents of the United States thereof, without restricting any just claim for damages or value in the form or mode provided by the United States for prosecuting the same.

SEC. 4. That any malicious, wilful, reckless, or voluntary injury to a mutilation of the graves, monuments, fences, shrubbery, ornaments, walks, or buildings in said cemetery or burial place, or appurtenances, shall subject the offender, or offenders, each, to a fine of not less than twenty dollars, to which may be added: for an aggravated offense, imprisonment not exceeding six months in the county jail or work-house, to be prosecuted before any court of competent jurisdiction.

SEC. 5. That this ordinance shall take effect, and be in force from and after its passage.

Report received.

Mr. Barry moved to suspend the rules to enable him to introduce an ordinance;

Which was lost.

The Convention resumed the consideration of the report of the Finance Committee upon its second reading.

Section 2:

Mr. Cunningham moved to indefinitely postpone;

Which was carried.

Mr. Parsons, of Adams, moved to suspend the rules to place the ordinance on its third reading;

Which was carried.

Mr. Parsons, of Adams, moved to amend the ordinance as follows:

*Provided further*, That this section shall not be so construed as to extend the time of making reports to the State Treasurer by the several Sheriffs as provided in said ordinance, but said reports shall be made as heretofore, every five days;

Which was adopted.

And the ordinance was adopted as amended, and reads as follows:

AN ORDINANCE TO AMEND AN ORDINANCE PASSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MISSISSIPPI, FEBRUARY 27, 1868, TO PROVIDE FOR THE LEVY AND COLLECTION OF A SPECIAL TAX UPON THE PROPERTY IN THE STATE OF MISSISSIPPI, TO PAY THE EXPENSES OF SAID CONVENTION, IN CONFORMITY WITH THE EIGHTH SECTION OF AN ACT OF CONGRESS OF THE UNITED STATES, PASSED MARCH 23, 1867.

SECTION 1. *Be it ordained by the people of the State of Mississippi, in Convention assembled*, That so much of section 4 of the above entitled ordinance as requires the Sheriffs of the several counties to proceed to the collection of all taxes remaining due and unpaid at the expiration of ten days, by distress and sale, be amended so as to read as follows: "That hereafter the time for collecting the Convention tax shall be the same as that allowed for the collection of the State taxes now being collected by the several Sheriffs, and all sales for taxes unpaid, under said ordinance, shall be made at the same time, and in the same manner, as sales are now made for State and county taxes; *Provided*, That the penalty of twenty-five per cent., as mentioned in said section, incurred by any person, by reason of non-payment of said tax, as therein specified, shall be also extended in conformity with this section;" *Provided further*, That this section shall not be so construed as to extend the time of making reports to the State Treasurer by the several Sheriffs as provided in said ordinance, but said reports shall be made as heretofore, every five days.

Mr. Parsons, of Adams, offered the following:

*Resolved*, That 250 copies of the amended tax ordinance passed this day be printed and furnished the State Auditor, and that he be instructed to forward the same to the several Sheriffs, with proper instructions.

Which was adopted.

The report of the committee on General Provisions was taken up for the third reading:

Section 1 was adopted, and reads as follows:

SECTION 1. The political year of the State of Mississippi shall commence on the first Monday of January in each year, and the general election shall be holden on the first Tuesday succeeding the first Monday in November, biennially.

Section 2 was adopted, and reads as follows:

SEC. 2. The Legislature shall pass laws to exclude from office, and from suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors; and every person shall be disqualified from holding an office or place of honor, trust or profit, under the authority of this State, who shall be convicted of having given or offered any bribe to procure his election or appointment.

Section 3 was adopted, and reads as follows:

SEC. 3. No person who denies the existence of a Supreme Being shall hold any office in this State.

Section 4 was adopted, and reads as follows:

Sec. 4. The Legislature shall provide by law for the indictment and trial of persons charged with the commission of any felony, in any county other than that in which the offense was committed, whenever, owing to prejudice or any other cause, an impartial grand or petit jury cannot be empaneled in the county in which the offense was committed.

Section 5 was adopted, and reads as follows:

Sec. 5. The credit of the State shall not be pledged or loaned in aid of any person, association, or corporation, nor shall the State hereafter become a stockholder in any corporation or association.

Section 6 was adopted, as reads as follows:

Sec. 6. The Legislature shall have no power to grant acts of incorporation to individuals for banks or other moneyed institutions, or for insurance companies, or for any business purposes, when such acts shall provide for capital stock, without enjoining on such corporation the payment of a tax of one-half of one per cent. per annum, during the continuance of the charter, on the capital stock named in the grant, and this tax shall be levied and collected in the county in which the corporation is located.

Section 7 was adopted, and reads as follows:

Sec. 7. The term of office of all county, township and precinct officers shall expire thirty days after this Constitution goes into effect, and the Governor shall, thereafter, appoint such officers, whose term of office shall continue until the Legislature shall provide by law for an election of said officers.

Section 8 was indefinitely postponed.

Section 9 was adopted, and reads as follows:

Sec. 9. In all cases not otherwise provided for in this Constitution, the Legislature may determine the mode of filling all vacancies in all offices, and shall define their respective powers and provide suitable compensation for all officers.

Section 10 was adopted, and reads as follows:

Sec. 10. The Legislature, at its first session, shall provide by law for the sale of all delinquent tax lands. The court shall apply the same liberal principles in favor of such titles as in sale by execution.

Section 11 was adopted, and reads as follows:

Sec. 11. No laws of a general feature, unless otherwise provided for, shall be enforced until sixty days after the passage thereof.

Section 12 was adopted, and reads as follows:

Sec. 12. It shall be the duty of the Legislature to regulate by law the cases in which deductions shall be made from salaries of public officers from neglect of duty in their official capacity and the amount of said deduction.

Section 13 was adopted, and reads as follows:

Sec. 13. The Legislature at its first session under this Constitution, shall have authority to designate by law such loyal paper or papers in each Circuit Court District as shall publish all legal advertising and such official printing as shall be required by law in such Circuit Court District, and fix the compensation therefor.

Section 14 was adopted, and reads as follows:

SEC. 14. No corporate body shall hereafter be created, renewed or extended, with the privilege of making, issuing or putting in circulation any notes, bills or other paper, or the paper of any other bank, to circulate as money, and the Legislature shall prohibit by law individuals or corporations from issuing bills, checks, tickets, promissory notes, or other papers as money. But nothing herein contained shall be construed as preventing corporations or associations from forming for such purposes, under the Acts of Congress for a national system of banking.

Section 15 was adopted, and reads as follows:

SEC. 15. The property of all corporations for pecuniary profits shall be subject to taxation, the same as that of individuals.

Section 16 was adopted, and reads as follows:

SEC. 16. The Legislature shall not authorize any county, city or town, to become a stockholder in or to loan its credit to any company, association or corporation, unless two-thirds of the qualified voters of such county, city or town, at a special election or regular election to be held therein shall assent thereto.

Section 17:

Mr. Woodmansee moved to amend as follows:

*Provided*, That this section shall not apply to any lottery heretofore authorized, where the parties have complied with the requirements of their charter, by paying into the State Treasury the money required to be paid in order to authorize such lottery to be conducted.

Which was laid on the table.

And section 17 was adopted, and reads as follows:

SEC. 17. The Legislature shall never authorize any lottery, nor shall the sale of lottery tickets be allowed, nor shall any lottery heretofore authorized, be permitted to be drawn, or tickets therein to be sold.

Section 18 was adopted, and reads as follows:

SEC. 18. No county shall be denied the right to raise, by special tax, money sufficient to pay for the building and repairing of court-houses, jails, bridges, and other necessary conveniences for the people of the county; and money thus collected shall never be appropriated for any other purposes; *Provided*, The tax thus levied shall be a certain per cent. on all tax levied by the State.

Section 19 was adopted, and reads as follows:

SEC. 19. Liabilities of banks, associations, and other corporations, shall be secured by legislative enactments; but in all cases, no stockholder shall be individually liable over and above the stock by him or her owned, unless so specified in the articles of association or act of incorporation.

Section 20 was adopted, and reads as follows:

Sec. 20. All lands sold in pursuance of decrees of courts or executions shall be divided into tracts, not to exceed one hundred and sixty acres.

Section 21 was adopted, and reads as follows:

Sec. 21. Returns of all elections by the people shall be made to the Secretary of State in such manner as may be prescribed by law.

Section 22 was indefinitely postponed.

Section 23 was adopted, and reads as follows:

Sec. 23. Taxation shall be equal and uniform throughout the State. All property shall be taxed in proportion to its value, to be ascertained as directed by law.

Mr. Gibbs, of Wilkinson, offered the following as an additional section:

Sec. —. No provision of this Constitution relative to ineligibility to office shall ever be so construed as to apply to any person who voted in favor of calling the Convention that framed this Constitution, or who has openly and publicly advocated and does now and shall continue to advocate the reconstruction measures of the Thirth-ninth and Fortieth Congress of the United States.

Mr. Clarke offered the following as an amendment:

"And who favors and votes for the ratification of this Constitution."

Mr. Fitzhugh moved to indefinitely postpone the section and amendment.

Pending which, the Convention adjourned to meet to-morrow morning at 9 o'clock.

T. P. Sears,
*Secretary.*

## NINETY-FOURTH DAY.

Jackson, Miss., Friday, April 24th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Drane, Elliott John, Fawn, Gibbs, Handy, Hauser, Holland, Hutto, Jacobs, Johnson S., Johnson A., Lack, Lawson, Leas, Leonard, Mayson, Musgrove, Moore, Morgan, Myers, Mygatt, McKnight, Neilson, Newsom, Niles, Ozanne, Parsons F., Parsons J. R., Powell, Railsback, Richardson, Stites, Stewart, Stovall, Stringer, Stiles, Toy, Warren, Weir, Williams, Woodmansee, and Yeoman—56.

The following delegates were absent:

Messrs. Alcorn, Collins, Conley, Cunningham, Dowd, Elliott James, Field, Fitzhugh, Herbert, Howe, Jamison, Jones, Kerr, Mask, Miles, McKee, Nelms, Orr, Peyton E. A., Peyton E. G., Quinn, Rainey, Smith, Walker—24.

Journal of yesterday read and approved.

Leaves of absence were granted to Mr. Jamison for two days; and to Mr. Howe until Monday.

Mr. Hauser moved to suspend the rules, to enable him to introduce a report from a special committee;

Which was carried.

Mr. President: Your committee to whom was referred a resolution to inquire into the propriety of discharging the official Reporter, Mr. Tovell, have had the same under consideration, and beg leave to submit the following report:

That the Official Reporter is not responsible for the publication of the speech of the Hon. J. W. C. Watson, recently published in the official journal, and that in their opinion said Reporter has faithfully labored to discharge his duties as Official Reporter of this Convention; and your committee, therefore, would respectfully recommend that said Reporter be retained to finish the reports of this Convention.

J. Hauser,
*Chairman.*
N. B. Bridges,
Thos. W. Stinger,
Benj. Leas,
*Committee.*

Report received.

Mr. President: Your Committee to whom was referred a resolution of Mr. Vaughan, of Lafayette, on the 9th of April inst.

That the Convention go into ballot to elect a suitable person to print the Journal of this Convention, together with the Constitution in book and pamphlet form, have duly considered the resolution, together with a circular letter addressed to the President and members of this Convention, by Mr. James Dugan, Convention Printer, and referred to your committee, and beg leave to submit the following report:

That in the opinion of your committee the Convention have the right to select any person they may choose to print said Journal and Constitution, without infringing on the rights of the Convention Printer. And your committee would respectfully suggest in compliance with said resolution, that the Convention proceed at once to select by ballot a suitable person to print the Journal of this Convention in book form, and the Constitution in pamphlet form.

Respectfully,
J. Hauser, *Chairman.*
B. Leas,
Thos. W. Stringer,
N. B. Bridges,
*Committee.*

Mr. Hauser moved to receive.

Mr. Barry moved to amend and make it it the special order for to-morrow.

Mr. Hauser moved to table;

Which was lost.

And the motion of Mr. Barry was carried.

And the motion to receive was adopted.

The rules were suspended to take up the unfinished business of yesterday.

The question pending on adjournment yesterday, was taken up, being a motion to indefinitely postpone section and amendment.

On a division of the question, so much of the same as relates to the postponement of the amendment was carried.

And so much as relates to the indefinite postponement of the section, was lost, by the following vote:

Yeas—Messrs. Bonney, Chapman, Caldwell, Fitzhugh, Handy, Leas, Morgan, Mygatt, Ozanne, Powell, Stewart, Stringer, Weir, and Woodmansee—14.

Nays—Messrs. Alderson, Beam, Bridges, Brinson, Castello, Chappell, Clarke, Combash, Drane, Fawn, Gibbs, Hauser, Holland, Hutto, Jacobs, Johnson S., Johnson A., Lack, Lawson, Mayson, Musgrove, Moore, Myers, McKnight, Newsom, Niles, Parsons F., Railsback, Richardson, Stiles, Stovall, Stites, Toy, Warren and Yeoman—35.

Mr. Ozanne offered the following amendment:

Sec. —. No provision of this Constitution relative to ineligibility to office shall ever be so construed as to apply to any persons who are now disfranchised by the 14th article, when said disabilities shall have been removed by the Congress of the United States.

Mr. Barry moved to refer to special committee of three.

Mr. Cunningham moved to lay on the table;

Which was carried.

Mr. Morgan moved to lay section and amendment on the table.

The motion to divide the question was lost;

And the motion of Mr. Morgan was lost, by the following vote:

Yeas—Messrs. Barry, Bonney, Bridges, Brinson, Caldwell, Chapman, Drane, Fitzhugh, Handy, Johnson A., Lawson, Leas, Leonard, Moore, Morgan, Powell, Stewart, Weir, Woodmansee, and Yeoman—20.

Nays—Messrs. Alderson, Alcorn, Beam, Castello, Chappell, Clarke, Cunningham, Elliott John, Fawn, Field, Gibbs, Hauser, Hutto, Jacobs, Johnson S., Lack, Mayson, Musgrove, Myers, McKnight, Newsom, Ozanne, Parsons F., Railsback, Richardson, Stites, Stovall, Stringer, Stiles, Toy, and Williams—31.

And the amendment of Mr. Ozanne was laid on the table.

Mr. Musgrove moved the previous question;

Which was sustained.

And the section offered by Mr. Gibbs was adopted, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Ballard, Beam, Bridges, Castello, Chappell, Clarke, Combash, Cunningham, Drane, Elliott John, Fawn, Field, Gibbs, Hauser, Hutto, Jacobs, Johnson S., Johnson A., Lack, Mayson, Musgrove, Moore, Myers, McKnight, Newsom, Niles, Ozanne, Parsons F., Railsback, Richardson, Stites, Stovall, Stringer, Stiles, Toy, and Weir—38.

NAYS—Messrs. Barry, Bonney, Brinson, Caldwell, Chapman, Fitzhugh, Handy, Lawson, Leas, Leonard, Morgan, Powell, Stewart, Williams, Woodmansee, and Yeoman—16.

And reads as follows:

SEC. —. No provisions of this Constitution relative to ineligibility to office shall ever be so construed as to apply to any person who voted in favor of calling the Convention that framed this Constitution, or who has openly and publicly advocated, and does now, and shall continue to advocate the reconstruction measures of the 39th and 40th Congress of the United States.

Mr. Morgan offered the following additional section:

SEC. —. This Constitution shall not be so construed as meaning, anything wherever any disfranchising clause appears.

Mr. Newsom moved the previous question;

Which was sustained,

And the section was lost.

Mr. Stringer offered the following additional section:

SEC. —. The State of Mississippi shall never assume nor pay any debt or obligation contracted in aid of the rebellion; nor shall this State ever, in any manner, claim from the United States, or make any allowance or compensation for slaves emancipated or liberated in any way whatever, since the 9th day of January, 1861;

Which was adopted.

Mr. Clarke moved to adopt the General Provisions as a whole.

Pending action upon the same, the Convention adjourned, to meet at 3 o'clock P. M.

T. P. SEARS,
*Secretary.*

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alcorn, Barry, Beam, Bonney, Bridges, Caldwell, Castello, Chapman, Clarke, Combash, Drane, Elliott John, Fawn, Fitzhugh, Gibbs, Hauser, Holland, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Lack, Leas, Leonard, Musgrove, Moore, Morgan, Mygatt, McKnight, Newsom, Ozanne, Parsons F., Powell, Railsback, Richardson, Stewart, Stites, Stovall, Stringer, Stiles, Warren, Weir, Williams, Woodmansee, and Yeoman—48.

The following delegates were absent:

Messrs. Alderson, Ballard, Brinson, Chappell, Collins, Conley, Cunningham, Dowd, Elliott James, Handy, Herbert, Howe, Jones, Kerr, Lawson, Mayson, Mask, Miles, Myers, McKee, Neilson, Nelms, Niles, Orr, Parsons J. R., Peyton E. A., Peyton E. G., Quinn, Rainey, Smith, Toy, and Walker—32.

The mover of the motion to adopt General Provisions as a whole was allowed to withdraw the same, and the following was presented as additional sections:

SEC. —. All persons who are now living, and all persons who have heretofore lived and cohabited together as husband and wife, shall be taken and held as lawfully married to all intents and purposes in law, and their issue shall be taken and held as legitimate offspring for all purposes in law.

SEC. —. The first Legislature shall provide by law for the punishment of adultery and concubinage.

Which was adopted.

Mr. Ozanne offered the following as an additional section:

SEC. —. No provision of this Constitution relative to ineligibility to office, shall be so construed as to apply to any persons who have been or are disfranchised by the pending Constitutional amendment, known as article fourteen; *Provided*, That said disability shall have been or hereafter may be removed by the Congress of the United States.

Mr. Castello offered the following:

*Provided*, The Legislature may, whenever it shall deem proper and consistent with the public safety, enact an Act of general amnesty, which shall be submitted to the people for ratification before becoming a law.

Mr. Clarke moved to table the section and amendments;

Which was carried.

Mr. Hauser moved to adopt as a whole the report on General Provisions, and refer to the committee on Form and Arrangement;

Which was carried.

Mr. Barry moved to suspend the rules to enable himself and Mr. Field to introduce ordinances;

Which was carried.

And the following ordinance was presented by Mr. Barry:

### AN ORDINANCE IN RELATION TO ESCHEATS AND OTHER SUBJECTS.

*Be it ordained by the people of the State of Mississippi, in Convention assembled*, That no gift or sale of property heretofore made in good faith shall be invalid by reason of any disability imposed by any law or policy heretofore prevailing in this State, on account of the race, color or condition of the donor or donee, vendor or vendee; and all persons who have heretofore been denied any legacy or inheritance by the operation of any such law or policy, are hereby declared to be entitled to recover the same, in the same manner as if no such law or policy, or disability had ever existed. And all property now held by this State, or by any individual upon claim that the same has escheated by reason of such disability, shall be restored to the person or persons, or line of descent or distribution who or which would have been entitled to the same if no such law or policy had ever existed, or if in the hands of *bona fide* purchasers from the State, full compensation shall be made therefor out of the State Treasury; *Provided*, That the claimant of property escheated as aforesaid be a loyal citizen of the United States; *And provided further*, That no statute of limitations shall be allowed to bar any claim under the provisions of this section.

Which was received.

Mr. Field offered the following ordinance:

### AN ORDINANCE TO SETTLE THE TITLE OF PROPERTY IN CERTAIN CASES.

All property claimed by persons as having been sold or given to them previous to their emancipation shall be entitled to the same and hold in fee simple upon making proof to the satisfaction of the Court of Chancery that the person or persons so claiming would have been entitled to the freehold or possession for life had they been free at the time such gift or sale was made. No gift or sale of property heretofore made in good faith shall be invalid by reason of any disability heretofore imposed upon the donee or vendee by any law or policy of this State on account of race, color, or previous condition, and all property now held by this State, or by any individual upon a claim that the same has escheated to the State by reason of such disability of the owner, or of his heirs or distributees, shall be restored to such owner, or his heirs or distributees, or full compensation shall be made therefor out of the State Treasury; *Provided*, That this section shall not apply to any person who, at the time of application, shall not be a citizen of the United States; *And provided further*, That no statute of limitations shall apply to proceedings under this section.

Which was received.

Mr. Hauser moved to suspend the rules to enable him to introduce a resolution;

Which was carried.

Mr. Hauser offered the following:

*Resolved*, That J. R. Smith, the publisher of the *Meridian Chronicle*, be allowed the sum of fifteen hundred dollars (in addition to the amount allowed heretofore), on account of printing proceedings of this Convention, and that warrants be issued to him for the same.

Which was adopted.

The fifth section of the minority report of Ordinance and Schedule, as reported back from the Committee, was taken up and adopted, and reads as follows:

Sec. 5. The election for the ratification of this Constitution, shall be held on the .... days of ...., 1868, at such places, and shall continue such time as the Commanding General of the Fourth Military District may direct; and the polls shall be kept open from seven o'clock, A. M., until seven o'clock, P. M., each day. At said election, all those in favor of ratifying the Constitution shall have written or printed on their ballots, the words, "For Constitution," and those opposed to the ratification of the same, shall have written or printed on their ballots, the words, "Against Constitution," but no person shall vote for or against this Constitution on a separate ballot from that cast by him for officers to be elected at said election under this Constitution.

Mr. Fitzhugh moved to reconsider the vote adopting section 8.

Mr. Combash moved to lay the motion on the table;

Which was lost.

And the motion to reconsider was carried.

Mr Chappell moved to indefinitely postpone section 8.

Mr. Fitzhugh moved to lay the motion on the table;

Which was carried, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Barry, Bonney, Bridges, Castello, Caldwell, Chapman, Clarke, Cunningham, Drane, Fawn, Fitzhugh, Gibbs, Handy, Hauser, Jacobs, Jamison, Johnson A., Leas, Moore, Myers, Mygatt, Ozanne, Parsons F., Parsons J. R., Powell, Railsback, Richardson, Stewart, Stites, Stovall, Stringer, Warren, Williams, and Woodmansee—36.

NAYS—Messrs. Brinson, Chappell, Elliott John, Field, Hutto, Johnson S., Lack, Musgrove, Weir—9.

Convention adjourned until to-morrow morning, at 9 o'clock.

T. P. SEARS,
*Secretary.*

## NINETY-FIFTH DAY.

JACKSON, MISS., Saturday, April 25th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Cunningham, Dowd, Drane, Elliott John, Fawn, Field, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Holland, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Lack, Lawson, Leas, Leonard, Mayson, Musgrove, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Neilson, Newsom, Niles, Ozanne, Parsons F., Parsons J. R., Powell, Railsback, Richardson, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Warren, Weir, Williams, Woodmansee, and Yeoman—64.

The following delegates were absent:

Messrs. Collins, Conley, Elliott Jas., Howe, Jones, Kerr, Mask, Miles, Nelms, Orr, Peyton E. A., Peyton, E. G., Quinn, Rainey, Smith, and Walker—16.

Journal of yesterday was read and approved.

The following report was presented:

Mr. President: The committee on Form and Arrangement, would respectfully report the Bill of Rights, and the Article of the Constitution on Executive Department, ready for consideration, and beg leave to submit the same to the Convention, by order of the committee.

Jere Hauser,
*Chairman.*

Report received.

Mr. Musgrove introduced the following:

*Resolved*, That a committee of two be appointed to confer with the Commanding General of this District, to ascertain if he will co-operate with this Convention in enforcing the present Election Ordinance.

Mr. Parsons, of Adams, moved to amend, and strike out all after the word "resolved," and insert as follows:

That the committee of Five, appointed by this Convention, to conduct the election, be instructed to proceed to Vicksburg and confer with the Commanding General, and ascertain what further ordinance, if any, is necessary to properly conduct the election.

Mr. Chappell offered the following, as an amendment to the amendment:

Strike out all after the word "resolved," and insert the following:

That the Convention, upon the completion of the Constitution shall forthwith give information of the same to the Commanding General, A. C. Gillem, through their President, or by special deputation, furnishing him with a certified copy of the Constitution, so framed, and the Ordinances pertaining to the ratification thereof, and that they are ready to submit the same for adoption to the persons registered under the provisions of the Reconstruction Acts of Congress, and the bills supplementary thereto; and that the said Commanding General be respectfully requested to communicate any information, instruction, or suggestion that he may deem to be right and proper, to facilitate the measures for the ratification of the said Constitution.

Mr. Castello moved to refer the amendment to the amendment, offered by Mr. Chappell, to the committee on Form and Arrangement.

Mr. Fitzhugh moved to table;

Which was lost.

And the motion of Mr. Castello was carried.

And the amendment of Mr. Parsons was adopted.

Mr. Stiles offered the following, as an amendment:

Strike out the words, "proceed to Vicksburg, and;"

Which was adopted.

And the resolution was adopted, as amended, and reads as follows:

*Resolved*, That the committee of Five, appointed by this Convention, to conduct the election, be instructed to confer with the Commanding General, and ascertain what further ordinance, if any, is necessary to properly conduct the same.

Mr. Field offered the following:

*Resolved*, That this Convention does not possess the power to alter the boundary lines of counties, but if thought otherwise, by a majority, it is, notwithstanding, highly inexpedient to do so.

The resolution lies over under the rules.

Mr. Clarke moved that the rules be suspended to take up the regular order of the day.

Mr. Cunningham moved to table;

Which was lost.

And the motion of Mr. Clarke was carried.

And the consideration of section 8, of the minority report of the committee on Ordinance and Schedule, pending last evening, on adjournment, was continued.

Mr. Chappell moved to amend section 8 as follows:

Strike out all after the word "after," in the sixteenth line, to the word "who," in the seventeenth line, and strike out all after the word "shall," in the twenty-fifth line, and insert the words "then be forwarded by the President of the Convention to the President of the United States, in conformity with the Reconstruction Acts and bills supplementary thereto."

Mr. A. Johnson moved to table;

Which was carried.

Mr. McKee moved to postpone the present consideration of section 8.

Mr. Combash moved to table;

Which was lost.

And the motion to postpone prevailed.

Mr. Parsons, of Adams, moved to suspend the rules to enable himself and Mr. Cunningham to introduce resolutions;

Which was carried.

Mr. Parsons, of Adams, offered the following:

*Resolved*, That the committee on Form and Arrangement be instructed to incorporate in the Constitution the boundaries of the State laid down in the Constitution of 1860.

Which was adopted.

Mr. Cunningham offered the following:

*Resolved*, That the Legislature shall provide by law that every citizen house holder, being the head of a family, resident of this State, may hold, exempt from seizure, under any execution, attachment, or other final process, of any court of this State, a homestead and necessary household goods, and furniture, not more in any case, than $1,500 in value.

Mr. F. Parsons moved to refer to a select committee of three, with instructions to report a section in reference to the above.

Mr. Weir moved to refer to Committe on General Provisions;
Which was carried.

The special order of the day, being the reeport of the Special Committee on Printing, introduced on yesterday, was taken up, and the report adopted.

Mr. Stovall moved that the President appoint two tellers.

Mr. Hauser moved the previous question;
Which was not sustained.

Mr. Combash moved that the Secretary, and Assistant Secretary, receive the ballots.

Mr. Stiles moved the previous question;
Which was not sustained.

The following ordinance, being a further special order, was taken up on a second reading and passed.

The rules were suspended, and the ordinance passed a third and final reading, and reads as follows:

### AN ORDINANCE TO CEDE TO THE UNITED STATES THE JURISDICTION OVER THE NATIONAL CEMETERIES IN THE COUNTY OF TISHOMINGO, IN THIS STATE.

SECTION 1. *Be it ordained by the people of the State of Mississippi, in Convention assembled,* That the exclusive jurisdiction over the tract of land and parcel of ground with the appurtenances thereto obtained, purchased, used, and occupied for burial purposes by and for the United States, hereinafter described with the premises thereto attached for officers' and soldiers' quarters, and for guards, is hereby ceded to the United States; *Provided, however,* That the jurisdiction thereof shall be retained by the State of Mississippi, so far as to punish offenders against the law by presentment or indictment, and fine or imprisonment as hereinafter provided, "Union National Cemetery," located in Corinth, Tishomingo county, Mississippi, containing twenty acres of land, more or less.

SEC. 2. *Be it further ordained,* That the exclusive jurisdiction over this tract and parcel of land, with the buildings and appurtenances belonging to the same, including the quarters for officers, keepers, guards, or soldiers in charge of the same, and the premises connected therewith, now or at any time hereafter purchased, used or occupied by the United States, their officers or agents for a cemetery or burial place, located as aforesaid, is hereby ceded to the United States, and whenever such premises shall be no longer required, used, or occupied by the United States, the jurisdiction of such abandoned property may revert to the State of Mississippi.

SEC. 3. *Be it further ordained,* That property over which jurisdiction is ceded herein, shall be held exonerated and free from any taxation or assessment under the authority of this State, or of any municipality therein, until the jurisdiction shall have reverted, and the title and possession to said cemetery, grounds, buildings, and appurtenances, shall be protected to the United States, and no process of any court, shall be permitted against the same, or to dispossess the officers or agents of the United States thereof, without restricting any just claim for damages or value in the form or mode provided by the United States for prosecuting the same.

SEC. 4. *Be it further ordained*, That any wilful, reckless, or voluntary injury to or mutilation of the graves, monuments, fences, shrubbery, ornaments, walks, or buildings in said cemetery or burial place, or appurtenances, shall subject the offender, or offenders, each, to a fine of not less than twenty dollars, to which may be added, for an aggravated offense, imprisonment not exceeding six months in the county jail or work-house, to be prosecuted before any court of competent jurisdiction.

SEC. 5. *Be it further ordained*, That this ordinance shall take effect, and be in force from and after its passage.

The rules were suspended to enable Mr. Hauser to introduce the following:

*Resolved*, That James Dugan be authorized to draw warrants to the amount of six huadred dollars for public printing.

Which was adopted.

Mr. Ozanne moved that when the Convention adjourns it be until Monday morning, and the rules be suspended accordingly;

Which was lost.

A remonstantance was presented from citizens of Holmes county against a division of the county, which was referred to the committee on County Boundaries.

The following communication was received from the Sheriff of Lowndes county:

SHERIFF'S OFFICE,
LOWNDES COUNTY, MISSISSIPPI,
April 20, 1868.

*To the Honorable Board of Police:*

The undersigned, Sheriff and Tax Collector of the county of Lowndes, in said State, respectfully represents to your honorable board that immediately after he received the assessment roll he proceeded to collect the State, county, and the Convention taxes, as the law reuqires; that he has exerted himself to the utmost of his ability to collect said taxes within the time prescribed by law, and has collected a large amount thereof, and has paid the same to the proper officers as required, but he is now convinced that it will be impossible for him to collect the whole of said tax within the time prescribed by law.

He therefore asks that your honorable body grant an extension of the time within which to collect said tax, if in your power so to do, and pass an order requesting the General Commanding this Department, and the Convention of said State, now sitting in Jackson, to grant him such further time as may be necessary to collect said taxes.

And your petitioner will ever pray, etc.

JAMES B. BELL, *Sheriff*.

STATE OF MISSISSIPPI, LOWNDES COUNTY,
BOARD OF POLICE, Monday, April 20th, 1868.

James B. Bell, Sheriff and Tax Collector of said county, this day presented to the Board a petition representing that it is impossible to collect the State, county and Convention tax within the time prescribed by law, on account of the limited time in which he is, under the law, required to collect the said taxes.

And said petition being considered by the Board, and it appearing that the said Sheriff and Tax Collector has used all due diligence in the discharge of his duty as Tax Collector, and that in the opinion of the Board, the allegations are true.

It is therefore ordered, that it is the opinion of this Board that the time for the collection of the taxes aforesaid should be extended, and that it will be for the benefit of the county and State that the same be so done, and it is ordered that a copy of said petition, and this order, be forwarded to the General Commanding this Department, and that a copy also be forwarded to the President of the Convention of said State, now sitting at the city of Jackson, in said State.

THE STATE OF MISSISSIPPI,
Lowndes County,

I, Woodson H. Kennon, Clerk of the Probate Court, and *ex officio* Clerk of the Board of Police of said county, do hereby certify that the within is a true and perfect copy of the petition of James B. Bell, Sheriff and Tax Collector of said county, to the Board of Police of said county, together with the order of said Board in relation thereto made at the April term thereof, being on Monday, the 20th day of April, 1868, as truly and completely as the same appears of record and on file in my office.

Given under my hand and Seal of said Board, at my office, in Columbus, this the 22d day of April, 1868.

[SEAL.] W. H. KENNON, *Clerk.*

Mr. Ozanne moved to reconsider the vote adopting the section offered by Mr. Gibbs, as an additional section to General Provisions, on yesterday.

Mr. F. Parsons moved to table,

Which was lost, by the following vote:

YEAS—Messrs. Ballard, Beam, Gibbs, Hauser, Hutto, Johnson S., Lack, Musgrove, McKee, Niles, Parsons F., Railsback, Richardson, and Toy—14.

NAYS—Messrs. Alderson, Alcorn, Barry, Bonney, Bridges, Brinson, Caldwell, Clarke, Combash, Cunningham, Dowd, Drane, Field, Herbert, Holland, Jacobs, Johnson A., Leas, Leonard, Mayson, Moore, Morgan, Myers, Newsom, Ozanne, Parsons J. R., Powell, Stewart, Stovall, Stringer, Warren, Weir, Williams, and Woodmansee—36.

Mr. Morgan moved that the rules be suspended so that the Convention adjourn to meet Monday morning at 9 o'clock;

Which was carried.

Leave of absence was granted to Mr. Brinson for one day.

The Convention adjournned to meet Monday morning at 9 o'clock.

T. P. Sears,
*Secretary.*

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## NINETY-SIXTH DAY.

Jackson, Miss., Monday, April 27th, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Dowd, Drane, Fawn, Field, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Holland, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Lack, Lawson, Leas, Leonard, Mayson, Musgrove, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Newsom, Niles, Orr, Ozanne, Parsons F., Parsons J. R., Powell, Railsback, Richardson, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Warren, Weir, Williams, Woodmansee, and Yeoman—61.

The following delegates were absent:

Messrs. Brinson, Collins, Conley, Cunningham, Elliott James, Howe, Jones, Kerr, Mask, Miles, Neilson, Nelms, Peyton E. A., Peyton E. G., Quinn, Rainey, Smith, and Walker—19.

Journal of Saturday read and approved.

Leaves of absence were granted, to Mr. Drane for one day; to Mr. Combash for one day; to Mr. Leonard for one day; to Mr. Caldwell for one day.

The committee on General Provisions submitted the following report:

Mr. President—The committee on General Provisions, to whom was referred a resolution authorizing the Legislature to provide by law that every citizen householder being a head of a family, and resident of this State, may hold a certain amount of property exempt from seizure under any execution, attachment, or other final process, have considered the same, and beg leave to report the following section, and recommend that it be adopted:

Section —. That the Legislature shall provide by law that every citizen householder, being a resident of this State, may hold exempt from seizure under any execution, attachment or any other final process of any court of this State, a homestead and necessary household goods, furniture, and farming stock and utensils, the total value whereof not to exceed one thousand dollars.

E. J. CASTELLO, *Chairman.*
CHAS. W. CLARKE,
D. STITES,
J. R. PARSONS,
*Committee.*

Report received, and under the rules, lies over.

The committee on Enrollment submitted the following report:

MR. PRESIDENT—The committee on Enrollment have examined an ordinance for the relief of Joshua S. Morris, of Claiborne county, and others, and have instructed me to report that they have found the same correctly enrolled.

JAMES WEIR,
*Chairman.*

The Convention Treasurer submitted the following report:

*To the Hon. President and Members Constitutional Convention:*

GENTLEMEN—I have the honor to submit the accompanying statement of moneys recieved by me as Convention Treasurer from the several Collectors appointed by this Convention.

Some of this money was collected from persons by the Collectors who have little or no tax to pay under the present tax ordinance. I would, therefore, recommend to your honorable body that the Sheriffs of the counties where said tax was collected be directed to redeem the receipts given by said Collectors to take said receipts in payment of taxes from those who have taxes to pay under the present ordinance, and from those who have taxes to pay, take up the receipts given and pay the holder of the same the money and make proper returns to the State Treasurer.

I have the honor to submit a communication herewith from W. L. Jarvis, Collector of the county of Warren, upon this subject.

FRED. PARSONS,
*Treasurer of Convention.*

*Statement of Receipts and Disbursements during the operation of the Tax Ordinance passed by the Convention, January* 17, 1868:

Received from W. L. Jarvis, Collector of the county of Warren, as per statement rendered, in Convention Warrants, $69 25.

Received from L. B. F. Vick, Collector of the county of Oktibbeha, cash........................$101 50

DISBURSEMENTS.

| | | |
|---|---|---|
| Redeemed Warrant No. 872 | $25 00 | |
| Redeemed Warrant No. 949 | 25 00 | |
| Redeemed Warrant No. 1028 | 30 00 | |
| Redeemed Warrant No. 1269 | 16 60 | |
| Total Disbursements | $96 60 | —$ 96 60 |
| Cash remaining | | $ 4 90 |

I would respectfully ask to be directed to deposit the warrants received by me and canceled, and the statements rendered by the above named Collectors with the State Auditor and to pay over to the State Treasurer the sum of $4 90—being the amount remaining in my hands. I would further ask that my official bond be canceled.

*Amount of Taxes collected in the counties of Warren and Oktibbeha, with the names of persons paying the same, and amount each one paid:*

COUNTY OF WARREN—W. L. JARVIS, COLLECTOR.

| | |
|---|---|
| E. L. Hall, Saloon | $50 00 |
| Irvin Shaffer, grocery store | 4 50 |
| H. E. O'Riley, Claim Agent | 10 00 |
| Perry Thomas, grocery store | 2 25 |
| Mrs. Barnes, grocery store | 2 50 |

COUNTY OF OKTIBBEHA—L. B. F. VICK, COLLECTOR.

| | |
|---|---|
| W. A. Cannon | $5 00 |
| J. B. McCreight | 5 00 |
| Hogan & Ames | 54 00 |
| J. J. Yates | 10 00 |
| A. Strauss | 5 00 |
| L. Lichtenstein & Co | 4 25 |
| J. Bellington & Son | 4 50 |
| Saunders & Ramsey | 6 25 |
| W. H. Childs | 2 50 |
| H. W. Owen | 5 00 |
| W. T. Morgan | 8 75 |

VICKSBURG, MISS., April 12th, 1868.

*Mr. Fred. Parsons, Treasurer of Constitutional Convention, Jackson, Miss.:*

DEAR SIR—On or about the 28th day of January, 1868, I was appointed Tax Collector for the county of Warren and State of Mississippi.

On receipt of an official copy of my appointment, I filed the required oath before Captain Speed, Circuit Clerk of aforesaid county, posted the required notices, and on the 5th of February I proceeded to collect said tax without delay, as your honorable body desired to know immediately if General Gillem would enforce said ordinance passed on or about the 21st of January, 1868.

I was subject to orders from your honorable body from the 28th of January, 1868, until the 24th of February, same year. During that period I expended some money, and paid my whole attention to the collection of said tax, until I received official notice that my services as Tax Collector would cease.

The amount of money collected in the county was $69 25, which I have turned over to Mr. F. Parsons, Treasurer of said Convention, with the names ot the persons who paid such tax.

Under an ordinance passed since my services ceased as Collector, some of the said parties are not subject to said tax, and I do sincerely wish that the members of the Convention will take immediate action on this subject referred to here, and relieve me from laboring under such embarrassing circumstances as I am compelled to, under an ordinance passed since the time referred to, by refunding moneys which I have not in my possession, and have not had since the time expired for it to be turned over to the Treasurer of said Convention.

I am, gentlemen,
Yours truly, as ever,
WILLIAM L. JARVIS,
*Ex-Tax Collector.*

Report received.

The resolution of Mr. Field lying over from Saturday, was taken up.

Mr. Parsons moved to refer to the committee on County Boundaries;

Which was carried.

Mr. Hauser moved to suspend the rules to take up the regular business of the Convention, being the motion of Mr. Ozanne to reconsider the action adopting the section of General Provisions relating to Franchise, introduced by Mr. Gibbs.

Mr. Alderson moved to postpone further consideration of the subject until to-morrow at 10 o'clock.

Mr. Hauser moved to table;

Which was lost.

And the motion to postpone was carried.

Mr. Hauser moved that the Convention do now proceed to elect a Printer to print the Journal and the Constitution in book and pamphlet form.

Mr. Beam moved that the question be divided, and that the Convention proceed to elect a Printer to print the Journal;

Which was carried.

Messrs. Fawn and Stiles were appointed tellers.

The vote awarding the printing of the Journal of the Convention in book form, was as follows:

| | |
|---|---|
| E. Stafford received | 32 votes. |
| Jas. Dugan received | 13 votes. |
| Vicksburg Republican received | 6 votes. |
| J. R. Smith received | 1 vote. |

E. Stafford having received a majority of all the votes cast, was declared elected.

The Convention then proceeded to select a Printer to print the Constitution in pamphlet form, with the following result:

| | |
|---|---|
| E. Stafford received | 17 votes. |
| Jas. Dugan received | 29 votes. |
| Mr. Speed received | 7 votes. |

James Dugan having received a majority of all the votes cast, was declared elected.

The following section was presented by the committee on Internal Improvements, to be incorporated in the Constitution:

SECTION. —. There shall be a Commisioner of Immigration and Agriculture elected at the same time and place that other State officers are elected, and who shall hold his office for the term of four years unless sooner removed by law.

No action had thereon, and the subject lies over.

The resolution submitted by Mr. McKee, relative to relief, was taken up, and reads as follows:

*Resolved*, That the next Legislature shall have power to repeal statutes of limitation, pass relief, stay, injunction, insolvent, and homestead laws, and to pass any and every act deemed necessary for the relief of debtors, subject only to the restrictions imposed by the Constitution of the United States.

The question was upon the motion of Mr. Herbert to indefinitely postpone the amendment and the amendment thereto.

Mr. Weir called for a division of the question;

Which the Convention refused.

The rules were suspended, to permit Mr. Stovall to introduce the following resolution:

*Resolved*, That this Convention tender its thanks to the delegate of Oktibbeha county, Capt. James Weir, for his able and learned address in behalf of relief for the people of the State of Mississippi.

*Resolved*, *further*, That said address be printed, and five hundred copies delivered to the Convention, for the benefit of the Republican party, as a campaign document.

Mr. Castello, of Adams, moved to amend, as follows:

That the able and comprehensive speech made by the member from Oktibbeha, be published for one month, in the Vicksburg *Republican*, Meridian *Chronicle*, *Eississippi Stats Journal* and the *Mississippi Pilot*, at the expense of this Convention.

Mr. Gibbs moved to refer the resolution and amendment thereto, to the committee on Contingent Expenses.

Mr. Fitzhugh moved to table the motion to refer;

Which was carried.

Mr. Woodmansee moved to table the amendment;

Which was lost.

Mr. Clarke moved to table the resolution and amendment;

Which was carried.

The regular business was resumed.

And the consideration of the amendment and the amendment thereto, were indefinitely postponed.

Mr. Alderson offered the following amendment to the resolution of Mr. McKee:

Amend, by striking out all after the word "to," in second line, down to the word "pass," in the fifth line, and at the end of the tenth line, add the words "and the State of Mississippi," so as to read thus:

The next Legislature shall have power to pass any and every Act deemed necessary for the relief of debtors, subject only to the restrictions imposed by the Constitution of the United States, and of the State of Mississippi.

Mr. Gibbs moved the previous question,

Which was sustained;

And the amendment was lost.

And the resolution of Mr. McKee was adopted, and reads as follows:

*Resolved*, That the next Legislature shall have power to repeal statutes of limitation, pass relief, stay injunction, insolvent, and homestead laws, and to pass any and every Act deemed necessary for the relief of debtors, subject only to the restrictions imposed by the Constitution of the United States.

Mr. Hauser moved to refer to the committee on Form and Arrangement, with instructions to incorporate the resolution as an article in the Constitution.

Mr. Stiles moved to reconsider the vote adopting the resolution.

Mr. Gibbs moved to lay on the table;

Which was carried.

And the motion to refer was carried.

Mr. Alcorn moved to suspend the rules, to permit him to submit the following communication;

Which was carried:

JACKSON, MISS., April 24th, 1868.

*To the President and Members of Constitutional Convention:*

GENTLEMEN—On the 16th instant, some of my friends presented a paper to this Convention, tendering their resignations as members thereof, and during my absence, and without authority from me, my name was also presented, as being desirous to resign. As I ignore the right of any unauthorized person to act for me, I desire that all proceedings in regard to my having tendered my resignation as delegate, be considered by this Convention, as null and void.

Very respectfully,

W. D. NESBITT.

The communication was received.

Mr. Chappell moved the adoption of the same.

Mr. Field moved to amend as follows:

That Mr. Nesbitt has not lost his seat by the action on his resignation, his name having been signed without his consent.

Mr. Gibbs moved to lay the motion and amendment on the table;

Which was carried.

Mr. Morgan moved to indefinitely postpone the further consideration of the matter.

Mr. Fitzhugh moved to table;

Which was lost.

Pending further consideration, Convention adjourned until 3 o'clock, P. M.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alcorn, Barry, Beam, Bonney, Bridges, Castello, Clarke, Combash, Dowd, Elliott John, Field, Gibbs, Handy, Hauser, Herbert, Hutto, Holland, Jacobs, Jamison, Johnson S., Johnson A., Leas, Musgrove, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Niles, Ozanne, Parsons F., Powell, Railsback, Richardson, Smith, Stewart, Stites, Stringer, Toy, Warren, Williams, Woodmansee, and Yeoman—45.

The following delegates were absent:

Messrs. Alderson, Ballard, Brinson, Caldwell, Chapman, Chappell, Collins, Conley, Cunningham, Drane, Elliott James, Fawn, Fitzhugh, Howe, Jones, Kerr, Lack, Lawson, Leonard, Mayson, Mask, Miles, Neilson, Nelms, Newsom, Orr, Parsons J. R., Peyton E. A., Peyton E. G., Quinn, Rainey, Stovall, Stiles, Walker, and Weir—35.

Leave of absence was granted to Mr. Newsom for this afternoon.

The motion of Mr. Morgan to postpone the further consideration of the communication of Mr. Nesbitt, of DeSoto, pending on adjournment, was carried.

The majority report of the Committee on Relief, submitted by Mr. Field, was taken up for consideration.

Mr. Morgan moved to indefinitely postpone.

Mr. Gibbs moved the previous question,

Which was sustained;

And the motion of Mr. Morgan was carried, by the following vote:

YEAS—Messrs. Ballard, Bonney, Crstello, Clarke, Gibbs, Handy, Herbert, Jacobs, Johnson S., Johnson A., Morgan, Myers, McKee, Niles, Ozanne, Parsons F., Stewart, Stiles, Toy, Warren, Williams, and Woodmansee—22.

NAYS—Messrs. Alcorn, Barry, Beam, Bridges, Dowd, Drane, Field, Holland, Hutto, Jamison, Leas, Moore, Mygatt, McKnight, Powell, Railsback, Richardson, Smith, Yeoman—19.

The Convention took up for consideration the ordinance offered by Mr. Barry, on the 24th instant, in relation to escheats, etc.

Mr. Barry moved to pass to a second reading.

Mr. Field moved to lay the motion on the table;

Which was lost.

Mr. Field moved to indefinitely postpone.

Mr. Clark moved to lay the motion on the table,

Which was carried;

And the motion of Mr. Barry was carried.

Mr. Barry moved to suspend the rules, to put the ordinance on its second reading.

A motion to lay on the table was lost;

And the motion to suspend the rules was carried.

And the ordinance was read the second time, and the further consideration of the same postponed until 3 o'clock to-morrow.

Mr. Field moved to suspend the rules to enable him to introduce an ordinance;

Which was lost.

The report of the committee on Internal Improvements was read the first time and passed.

Mr. Parsons, of Adams, offered the following amendment:

Strike out all after the word "agriculture," in the 3d line to the word "who" in the 5th line, and insert the words, "appointed by the Governor, by and with the advice and consent of the Senate."

Mr. Hauser move to lay on the table;

Which was lost.

Mr. Stiles moved to suspend the rules, to enable him to offer a resolution;

Which was lost.

And the amendment of Mr. Parsons was adopted.

Mr. Woodmansee moved to indefinitely postpone.

A motion to lay on the table was lost.

Mr. Alcorn moved to adjourn;

Which was lost.

Pending further consideration of the same, the Convention adjourned to meet to-morrow morning at 9 o'clock.

T. P. Sears,
*Secretary.*

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## NINETY-SEVENTH DAY.

Jackson, Miss., Tuesday April 28th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Cunningham, Dowd, Drane, Elliott John, Field, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Holland, Howe, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Lack, Lawson, Leas, Leonard, Mayson, Mask, Musgrove, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Newsom, Niles, Ozanne, Parsons F., Parsons J. R., Powell, Railsback, Richardson, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Warren, Weir, Williams, Woodmansee, and Yeoman— 64.

The following delegates were absent:

Messrs. Brinson, Collins, Conley, Elliott James, Fawn, Jones, Kerr, Miles, Neilson, Nelms, Peyton E. A., Peyton E. G., Quinn, Rainey, and Walker—15.

Journal of yesterday read and approved.

Leaves of absence were granted to Mr. Kerr from day to day; and to Mr. Quinn for two days.

The Select Committe, appointed to investigate the claim of C. T. Lawson, made the following report:

Mr. President—Your committee, to whom was referred the memorial of one C. T. Lawson, concerning claims for acting as clerk of the Committee on County Boundaries, would respectfully report, that after a careful and just investigation, they cannot report in favor of said claim.

The said Lawson received forty dollars for the labor performed by him, from the chairman of the committee on County Boundaries, who stated that it was liberal pay for the labor performed, and could not certify before your committee, that Mr. Lawson was ever appointed a regular clerk of said, or any other committee; but did perform some labor for several committees, and received full pay for the performance of all work done by him.

In view of the facts herein mentioned, your committee cannot recommend the allowance of said claim.

Respectfully,  
U. Ozanne, *Chairman.*  
W. H. Gibbs,  
J. Railsback,  
*Committee.*

Report received.

The committee on Contingent Expenses, made the following report:

Mr. President—The committee on Contingent Expenses, to whom was referred the annexed bills, would respectfully report that after a full investigation, they believe said bills to be just and correct, and would recommend they be allowed.

Respectfully,  
U. Ozanne,  
*Chairman.*  
W. H. Gibbs,  
J. Railsback,  
*Committee.*

The rules were suspended, and report received.

Bills allowed, and warrants ordered to be issued in payment therefor.

Bill No. 1, as allowed, amounts to $28 00, and is in payment of expenses incurred by G. C. McKee, in visiting Vicksburg, on four occasions, on business for the Convention.

Bill No. 2, as allowed, amounts to $53 00, and is in payment of expenses incurred by A. W. Patterson, in attending to business in Carroll county.

Bill No. 3, amounts to $35 75, and is for fuel furnished by A. J. Herrod.

Bill No. 4, is for telegrams to the Speaker of the House of Representatives of the United States Congress, and paid by Mr A. T. Morgan, and amounts to $26 00.

Bill No. 5, is for telegrams to Gen. A. C. Gillem, upon business of this Convention, and postage paid upon documents. forwarded to him, by order of the Convention, and amounts to $2 70.

Bill No. 6, is for stationery, etc., furnished the Convention by Eyrich & Co., of Jackson, and amounts to $69 00.

The committee on the removal of Political Disabilities made the following report:

*Mr. President and Gentlemen of the Convention:*

The committee appointed to receive and consider the names of persons, in this State, who desire to have their political disabilities removed, and to report to the Convention a list of such as might be deemed worthy of favorable consideration, would present the following names, and most respectfully recommend that they be forwarded to Congress, for its action in the premises:

| | |
|---|---|
| H. H. Howard | Leake county. |
| John A. Hanson | Leake county. |
| Wm. R. Graves | Leake county. |
| Wm. J. Lowe, Jr. | Leake county. |
| James H. Caldwell | Leake county. |
| C. Lindsey | Choctaw county. |
| H. Bayes | Choctaw county. |
| Ira McDowell | Choctaw county. |
| Owen C. Davis | Choctaw county. |
| Aaron Smith | Choctaw county. |
| Franklin Burges | Choctaw county. |
| John Simington | Lee county. |
| John Myers | Lee county. |
| E. H. Wiggull | Lee county. |
| B. B. Shannon | Lee county. |
| Bailey Sheppard | Lee county. |
| Eli Phillips | Lee county. |
| Lock Hawkins | Lee county. |
| H. R. Martin | Lee county. |

| | |
|---|---|
| John Adernhold | Lee county. |
| B. McManus | Lee county. |
| James M. Wylie | Lee county. |
| James C. Armstrong | Panola county, |
| G. H. Webster | Simpson county. |
| H. Mask | Tishomingo connty. |
| J. L. Wofford | Tishomingo county. |
| W. H. Jones | Tishomingo county. |
| J. A. Conner | Tishomingo county. |
| T. D. Duncan | Tishomingo county. |
| T. D. Barefoot | Tishomingo county. |
| Austin Ballard | Tishomingo county. |
| B. B. Boone | Tishomingo county. |
| E. W. Carmack | Tishomingo county. |
| A. B. Phelps | Tishomingo county. |
| E. C. Eggleston | Lowndes county. |
| G. C. Sullivan | Oktibbeha county. |
| H. F. Buchanan | DeSoto county. |
| John W. Vance | DeSoto county. |
| G. E. Harris | DeSoto county. |
| R. C. Kerr | Hinds county. |
| H. V. Barr | Hinds county. |
| Joseph Lemly | Hinds county. |
| M. M. Peyton | Hinds county. |
| Samuel Donnell | Hinds county. |
| Thomas A. Mellon | Hinds county. |
| James Fairchild | Hinds county. |
| H. A. McLeod | Covington county. |
| John P. Marshall | Carroll county. |
| B. T. Marshall | Carroll county. |
| James S. Johnson | Carroll county. |
| George Stovall | Carroll county. |
| W. T. Townsend | Carroll county. |
| J. L. Morphis | Pontotoc county. |
| C. T. Bond | Pontotoc county. |
| Isaac Hudson | Bolivar county. |
| George Boozer | Leake county. |
| T. Y. Brittain | Leake county. |
| James T. Mathis | Attala county. |
| Joseph K. Coffey | Attala county. |
| E. H. Sanders | Attala county. |
| M. A. Clarke | Attala county. |
| Wm. B. Thomson | Attala county. |
| Ebenezer M. Wells | Attala county. |
| James M. Miller, sr | Wilkinson county. |
| Wm. H. Noble | Wilkinson county. |
| Chas. T. Murphy | Holmes county. |
| J. L. Haskins | Holmes county. |
| Erastus Haskins | Holmes county. |
| E. B. Sprole | Holmes county. |
| Wallace Wilson | Holmes county. |
| W. A. West | Holmes county. |

| | |
|---|---|
| L. A. West | Holmes county. |
| Peter B. Cook | Yazoo county. |
| George Moorman | Madison county. |
| C. C. Shackleford | Madison county, |
| B. B. McFadden | Itawamba county. |
| Joseph Green | Itawamba county. |
| James H. Owen | Scott county. |
| L. L. Davis | Harrison county. |
| F. N. Saucier | Harrison county. |
| Wiley Emery | Calhoun county. |
| S. A. Spencer | Calhoun county. |
| Tillman Bryant | Calhoun county. |
| C. E. Murphree | Calhoun county. |
| Hiram G. Hall | Calhoun county. |
| Joab Byars | Calhoun county. |
| J. L. Atkinson | Chickasaw county. |
| S. D. Pinson | Pontotoc county. |
| B. O. Moseley | Chickasaw county. |
| T. R. Danerley | Monroe county. |
| Gabriel Buchanan | Monroe county. |
| J. C. Elliott | Monroe county. |
| H. C. Elliott | Monroe county. |
| E. J. Vasser | Monroe county. |
| J. L. Flanekin | Lowndes county. |
| W. H. Cook | Lowndes county. |
| Arthur Mangum | Covington county. |
| Julius Allen | Coahoma county. |
| D. B. Maynard | Coahoma county. |
| J. M. Crisman | Coahoma county. |
| Robt. G. Sharpe | Coahoma county. |
| George R. Alcorn | Coahoma county. |
| Asa Cobb | Coahoma county. |
| J. H. Owens, jr | Tunica county. |
| J. W. Stone | Tunica county. |
| Lewis M. Deering | Tunica county. |
| Oliver Clarke | Winston county. |
| Thomas Houston | Winston county. |
| W. G. Hudson | Winston county. |
| Orville M. Blanton | Washington county. |
| T. G. Polk | Washington county. |
| L. B. Valient | Washington county. |
| Frank Valient | Washington county. |
| John H. Nelson | Washington county. |
| T. W. Adams | Kemper county. |
| B. F. Rush | Kemper county. |
| John McRae | Kemper county. |
| W. W. Chisholm | Kemper county. |
| M. D. Crawford | Kemper county. |
| E. R. Fowler | Kemper coudty. |
| Moses G. Hallford | Kemper county. |
| Bolivar Vaughan | Lowndes county. |
| D. E. Robinson | Lowndes county. |

| | |
|---|---|
| J. A. Orr | Lowndes county. |
| John H. Lawrence | Lowndes county. |
| Alexander Bradford | Bolivar county. |
| Allen T. Riggs | DeSoto county. |
| J. W. Boykin | Wayne county. |
| Robert D. Palmer | Carroll county. |

HENRY W. WARREN, *Chairman.*
U. OZANNE,
H. W. BARRY,
WILLIAM YEOMAN,
JOHN ELLIOTT,
*Committee.*

Mr. Clarke moved to receive the report.

Mr. Ozanne moved to amend by receiving the report, and printing two hundred copies of the same;

Which was laid on the table.

Mr. Ozanne moved that the delegates be allowed five extra copies of the papers on to-morrow;

Which was laid on the table.

Mr. Hauser moved the previous question;

Which was sustained.

And the motion of Mr. Clarke was carried.

The following is an extract of the proclamation referred to in the report made by the Committee appointed by the Constitutional Convention of Mississippi, to examine into the truth of the facts set forth in said proclamation:

## PROCLAMATION.

EXECUTIVE DEPARTMENT, JACKSON, MISS.,
December 9, 1867.

WHEREAS, Communications have been received at this office, from gentlemen of high official and social position in different portions of the State, expressing serious apprehensions that combinations and conspiracies are being formed among the blacks to seize the lands and establish farms, expecting and hoping that Congress will arrange a plan of division and distribution, but unless this is done by January next, they will proceed to help themselves, and are determined to go to war, and are confident that they will be victors in any conflict with the whites, and furnish names of persons and places; and

*Whereas*, Similar communications have been received at headquarters 4th Military District, and referred to me for my action, and the co-operations of the civil authorities of the State, with the United States military, in suppressing violence and maintaining order and peace;

Now, therefore, I, Benjamin G. Humphreys, Governor of Mississippi, do issue this, my Proclamation, admonishing the black race, that if any such hopes or expectations are entertained, you have been grossly deceived, and if any such combinations or conspiracies have been formed to carry into effect such purposes, by lawless violence, I now warn you that you cannot succeed.

What is not known of your plans and conspiracies will be discovered and anticipated, and the first outbreak against the quiet and peace of society that assumes the form of insurrection, will signalize the destruction of your cherished hopes and the ruin of your race.

## REPORT OF THE COMMITTEE.

*To the President and Members of Constitutional Convention:*

Your committee appointed to investigate the truth of the reports "from gentlemen of high official and social positions in different portions of the State, expressing serious apprehensions that combinations and conspiracies are being formed among the blacks to seize the lands and establish farms," upon which the proclamation of Governor Humphreys, of December 9th, 1867, was founded, report as follows:

That they have taken every means in their power to inform themselves upon the subject they have been called upon to investigate. They have made diligent inquiry of different delegates in this Convention coming from all parts of the State, and at no place within the limits of this State, before, at the time, or since the issuing of said proclamation, were there any indications of insubordination, riot, insurrection or outbreak of any description whatever among that class of citizens referred to in said proclamation; but on the contrary a peaceable and orderly disposition worthy of the highest admiration, has marked their conduct under the most trying circumstances, even where cruel wrongs have been wickedly inflicted upon them. They have also made inquiry of many citizens of the State not connected with this Convention, touching the charges above referred to, and everywhere they find the colored man true and loyal to the country.

They would further state that they have corresponded with his Excellency Governor Humpheys, on this subject, requesting him to furnish them with any information in his possession that led to the issuing of said proclamation, and in his reply, marked (A), and made a part of this report, he respectfully states that said proclamation "was issued at the urgent request of Gen. Ord, Commander of the Fourth Military District, and all the information, etc., was received from and through him, except a few letters received from prominent citizens, which were referred to him Gen. Ord, and are now presumed to be in his possession," and not under the control of the said Humphreys, and which he does not feel authorized to make public, unless the approbation of Gen. Ord shall first be had, when he would "cheerfully comply with his instructions."

That they might leave nothing undone to discover where the truth lay in this matter, they wrote to Maj. Gen. Ord, late

Commander of this District, to learn what inducement moved him to confer with Governor Humphreys, and urge upon him the issuing of said proclamation, and also to place in their possession whatever documents, letters, etc., he had in reference to said contemplated insurrection, and were informed by letter from him that he had "turned over, with the command of the Fourth Military District, all the communications referred to," which letter is marked B, and made a part of this report.

Your committee then addressed a letter to Maj. Gen. Gillem, the present Commander of this District, to know if he would hand over to them the communications referred to, and received a letter from him in which he declines, for reasons therein stated, to communicate the desired information, which letter is marked C, and made a part of this report.

In conclusion, your committee would beg leave to state that the alleged causes for issuing said proclamation were so utterly without foundation that they are at a loss to find any reasonable excuse for so doing, and that the fears and "serious apprehensions that combinations and conspiracies are being formed among the blacks to seize the lands and establish farms," had their origin in the brains of evil disposed "gentlemen of high official and social positions" in different portions of the State, and no where else.

They would further state that Governor Humphreys was greatly misled by these false representations and wicked reports in issuing said proclamation, and that they condemn the act as wholly unjustifiable, causing needless alarm to one class of the citizens of the State, and producing an unjust suspicion and prejudice against the other.

Your committee having pursued the investigation of this serious charge to the fullest extent in their power, and finding no just cause, or reasonable excuse for issuing said proclamation, are compelled to close their labors, and ask that this, their report, be received, and that they be discharged from further investigation into this matter.

A. ALDERSON,
*Chairman.*
W. H. GIBBS,
HENRY MAYSON,
J. HAUSER,
J. AARON MOORE,
H. P. JACOBS,
*Committee.*

[A.]

EXECUTIVE DEPARTMENT, STATE OF MISSISSIPPI,
JACKSON, January 18th, 1868.

SIR: Your note of the 17th inst. informing me of the appointment of a committee by the Convention "to investigate the truth of the rumors of combinations of evil disposed persons in this State to seize lands, etc., coming from persons of high social and official position, upon which my (your) Proclamation of Dec. 9th, 1867, was founded," and respectfully requesting me to furnish (us) the "committee with whatever I (you) may be in possession of touching the subject of said Proclamation and the names of the persons supplying me (you) with the information above referred to," was handed to me late yesterday evening by the Assistant Sergeant-at-Arms of the Convention.

I presume you do not expect me to admit that the Convention now in session in this city by virtue of the military bills passed by Congress, has any constitutional right to require me to account to it for any administration of the civil government of the State of Mississippi. I, however, acknowledge the constitutional right of all or any portion of the citizens of the State, in a peaceable manner, to assemble together for their common good, and apply to those vested with the powers of government for redress of grievances, or other proper purposes, by petition, address, or remonstrance, and the correlative duty of all civil officers to furnish them all the information in their possession that pertains to their welfare and happiness, when respectfully requested so to do. I have no secrets I desire to withhold from any class of our people, white or black. My Proclamation of the 9th of Dec., 1867, was issued at the urgent request of General Ord, Commander of the Fourth Military District, and all the information I have on the subject you desire to investigate was received from and through him, except a few letters received from prominent citizens, which I referred to him, as soon as received, and which, I presume, are now in his possession. For obvious reasons then, I must refer the committee to him, and if in his judgment a revelation of the sources of information will not be an act of bad faith to the informers, white and black, and prejudicial to the public service, and will authorize a publication of all communications, public and private, I will cheerfully comply with his instructions on that subject.

Very respectfully,
BENJ. G. HUMPHREYS,
*Governor of Mississippi.*

To A. Alderson, Chairman of Committee.

[B.]

HEAD QUARTERS, 4TH MILITARY DISTRICT,
MISSISSIPPI AND ARKANSAS,
VICKSBURG, MISS., March 17, 1868.

*Hon. A. Alderson, Chairman of Committee, Constitutional Convention for the State of Mississippi:*

SIR—I am directed by the General Commanding to acknowledge the receipt of your communication of the twenty-fourth ultimo, asking to be furnished with any information in his possession upon which the Proclamation of His Excellency the Governor, referred to by you, was based, and in reply thereto, to inform you, that the General Commanding upon due consideration of the character of the reports made to his predecessor, General Ord, upon which the action was taken, finding that they partake of a confidential nature; also, with the regard to the considerable evils, and little good that would seem to result from their publication, he decides that it would be incompatible with his duty to comply with your request.

At the same time the General Commanding desires to inform you that he never shared in the belief that insurrection was meditated by any class of the inhabitants of this State.

I am, sir, very respectfully, your obedient servant,

John Tyler,
*1st Lt. 43d Inf. Brv't Maj. U. S. A., A. A. A. G.*

## [C.]

Holly Springs, Miss.,
February 14, 1868.

*To A. Alderson, Chairman of Committee, Mississippi Constitutional Convention:*

Sir—I am in receipt of a letter from General A. C. Gillem, headquarters, transmitting one from you, asking all the information I possess, touching the facts, that occasioned the issuing of that proclamation (referring to a recent proclamation of the Governor of Mississippi upon the subject of illegal combinations, etc.) As far as consistent with my obligations to those from whom the communications were received. As I have turned over with the command of the Fourth Military District all the communications referred to, not even retaining copies, I have no means of furnishing you with the desired information.

I am, sir, respectfully, your obedient servant,

E. O. C. Ord,
*Br. and Brv't Maj. Gen.*

Report received, and committee discharged.

The rules were suspended to permit the introduction of the following resolution, offered by Mr. Hauser:

*Resolved*, That from and after the passage of this resolution, the time allowed to each member to speak on any subject be five minutes; *Provided*, That the time may be extended by a unanimous vote of this Convention.

Mr. Newsom moved to lay on the table;

Which was lost, by the following vote:

Yeas—Messrs. Alcorn, Combash, Handy, Herbert, Morgan, McKee, Newsom, Orr, Stites, Stiles, Toy, and Yeoman—12.

Nays—Messrs. Ballard, Barry, Bonney Bridges, Caldwell, Castello, Chappell, Clarke, Cunningham, Dowd, Drane, Elliott John, Fawn, Field, Fitzhugh, Gibbs, Hauser, Holland, Howe, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Lack, Lawson, Leas, Mayson, Mask, Musgrove, Moore, Myers, Mygatt, Niles, Ozanne, Parsons F., Powell, Railsback, Richardson, Smith, Stewart, Stovall, Stringer, Warren, Weir, Williams—46.

Mr. Fitzhugh moved to insert "ten," instead of "five minutes."

Mr. Orr offered the following as an amendment to the amendment:

That from and after this date no debate whatever shall be permitted upon any question that may come before this Convention.

Mr. Musgrove moved to table the amendment and amendment thereto;

Which was carried.

Mr. Combash moved to indefinitely postpone.

Mr. Clarke moved to lay on the table;

Which was carried.

Mr. Musgrove moved the previous question;

Which was sustained.

And the resolution introduced by Mr. Hauser, was adopted, by the following vote:

Yeas—Messrs. Ballard, Beam, Bonney, Bridges, Castello, Chapman, Chappell, Clarke, Combash, Cunningham, Dowd, Drane, Elliott John, Fawn, Field, Fitzhugh, Gibbs, Hauser, Holland, Hutto, Jamison, Johnson S., Johnson A., Lack, Lawson, Leas, Mask, Musgrove, Mygatt, Newsom, Niles, Ozanne, Parsons F., Powell, Railsback, Smith, Stewart, Stites, Stovall, Stringer, Warren, Weir, and Williams—44.

Nays—Messrs. Alderson, Alcorn, Barry, Caldwell, Handy, Herbert, Jacobs, Mayson, Morgan, Myers, McKee, Orr, Stiles, Toy, Woodmansee, and Yeoman—16.

Mr. Newsom moved to reconsider.

Mr. Fawn moved to lay on the table;

Which was carried.

The unfinished business of yesterday was taken up, being the consideration of the report of the committee on Internal Improvements, and the motion of Mr. Woodmansee to indefinitely postpone was lost.

The question recurring on the adoption of the report on its second reading, Mr. Cunningham moved the previous question;

Which was not sustained.

And the subject lies over.

Mr. F. Parsons moved to suspend the rules, that the consideration of the matter may be continued;

Which was carried.

Mr. McKee moved to amend as follows:

Strike out the words "elected at the same time and place that other State officers are elected," and insert the words "who shall be elected by the Legislature on joint ballot;"

Which was carried;

And the report passed a second reading, and reads as follows:

There shall be a Commissioner of Immigration and Agriculture, who shall be elected by the Legislature on joint ballot, and who shall hold his office for the term of four years, unless sooner removed by law.

Mr. Chappell moved that the rules be suspended and the section be put upon its third reading;

Which was lost.

Mr. Barry moved to postpone the further consideration of this subject, and that the committee on Form and Arrangement be requested to report any amendments deemed necessary.

Mr. Stiles moved to amend by adding the words "and that all proceedings had this morning in relation to the section introduced by Mr. Gibbs, and the subject of franchise, be stricken out;"

Which was carried.

And the motion of Mr. Barry, as amended, was carried.

The Convention adjourned to meet at 3 o'clock.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Beam, Bonney, Brinson, Caldwell, Chapman, Chappell, Clarke, Combash, Dowd, Drane, Elliott John, Fawn, Gibbs, Hauser, Hutto, Jacobs, Johnson S., Johnson A., Lawson, Leas, Leonard, Mayson, Mask, Musgrove, Moore, Morgan, Myers, Mygatt, McKnight, Niles, Orr, Parsons F., Richardson, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Warren, Weir, Williams, Woodmansee, Yeoman—47.

The following delegates were absent:

Messrs. Ballard, Barry, Bridges, Castello, Collins, Conley, Cunningham, Elliott James, Field, Fitzhugh, Handy, Herbert, Holland, Howe, Jamison, Jones, Kerr, Lack, Miles, Neilson, Nelms, Ozanne, McKee, Parsons J. R., Peyton E. A., Peyton E. G., Powell, Quinn, Railsback, Rainey, Walker—31.

The ordinance in relation to Escheats, was taken up and passed its third reading, and reads as follows:

### AN ORDINANCE IN RELATION TO ESCHEATS AND OTHER SUBJECTS.

*Be it ordained by the people of the State of Mississippi, in Convention assembled,* That no gift or sale of property heretofore made in good faith shall be invalid by reason of any disability imposed by any law or policy heretofore prevailing in this State, on account of the race, color or condition of the donor or donee, vendor or vendee; and all persons who have heretofore been denied any legacy or inheritance by the operation of any such law or policy, are hereby declared to be entitled to recover the same, in the same manner as if no such law or policy, or disability had ever existed. And all property now held by this State, or by any individual upon claim that the same has escheated by reason of such disability, shall be restored to the person or persons, or line of descent or distribution who or which would have been entitled to the same if no such law or policy had ever existed, or if in the hands of *bona fide* purchasers from the State, full compensation shall be made therefor out of the State Treasury; *Provided*, That the claimant of property escheated as aforesaid be a loyal citizen of the United States; *And provided further*, That no statute of limitations shall be allowed to bar any claim under the provisions of this ordinance.

Mr. Leas moved to refer to the committe on Enrollment;

Which was carried.

The report of the committee on General Provisions, submitted yesterday, was taken up, and the section reported for adoption, was read the first time, and reads as follows:

SEC.— That the Legislature shall provide by law that every citizen householder, being the head of a family, resident of this State, may hold exempt from seizure, under any execution, attachment, or other final process, of any court of this State, a homestead and necessary household goods, furniture and farming stock, and utensils, the total value whereof not to exceed one thousand dollars.

Mr. Cunningham moved to suspend the rules and put the section upon its second reading;

Which was lost.

Mr. Morgan moved to indefinitely postpone the further consideration of the section.

Mr. Cunningham moved to amend the motion of Mr. Morgan by adding the words, "until to-morrow," and strike out the word "indefinitely."

Mr. Hauser moved to suspend the rules for a certain purpose;

Which was laid on the table.

And the amendment of Mr. Cunningham was adopted.

And the motion of Mr. Morgan as amended, was lost.

Mr. Field moved to amend by striking out the word "one," and inserting the word "ten;"

Which was laid on the table.

Mr. Stovall moved to amend as follows:

"That the Legislature of Mississippi shall never pass any law exempting more than a man's clothing and that of his family; *Provided*, This shall not apply to any property owned by a woman before she is married."

Which was laid on the table.

Mr. Alderson moved to amend by striking out all of the original section, and inserting as follows:

Each and every head of a family may have and possess, free from every description of claim, demand, and execution, five hundred dollars worth of personal property, to be selected by the debtor, and the wearing apparel of each and every member of the family, also one thousand dollars worth of real estate;

but no property shall be exempt from execution for the purchase money of said property, and the wages of the laborer; *Provided*, This section shall not affect the collection of debts contracted before the ratification of this Constitution.

Mr. Musgrove moved the previous question;

Which was not sustained.

And the subject lies over.

Mr. Barry moved to reconsider the vote adopting the motion of Mr. Morgan as amended by the amendment of Mr. Stiles.

Mr. Parsons, of Adams, moved to table;

Which was lost.

Pending further action upon the same, the Convention adjourned to meet to-morrow morning, at 9 o'clock.

T. P. Sears,
*Secretary.*

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## NINTY-EIGHTH DAY.

Jackson, Miss., Wednesday, April 29th, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Conley, Cunningham, Dowd, Drane, Elliott John, Fawn, Field, Gibbs, Handy, Hauser, Herbert, Holland, Howe, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Lack, Lawson, Leas, Leonard, Mayson, Mask, Musgrove, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Newsom, Niles, Orr, Ozanne, Parsons F., Parsons J. R., Powell, Railsback, Richardson, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Warren, Weir, Williams, Woodmansee, and Yeoman—66.

The following delegates were absent:

Messrs. Bridges, Collins, Elliott James, Fitzhugh, Jones, Kerr, Miles, Neilson, Nelms, Peyton E. A., Peyton E. G., Quinn, Rainey, and Walker—14.

Journal of yesterday read and approved.

Leaves of absence were granted, to Mr. Beam for four days; to Mr. Bridges for two days.

The committee on Printing submitted the following report:

Mr. President: The committee on Printing, to whom was referred section 4 in former report of said committee, have considered the same, and have instructed me to report the same back to the Convention, with the recommendation that it be adopted.

E. J. Castello,
*Chairman.*

The President announced the following delegates as a committee of five on the ratification of the Constitution, etc.:

Mr. Gibbs, of Wilkinson; Mr. Barry, of Holmes; Mr. Weir, of Oktibbeha; Mr. Dowd, of Coahoma; Mr. Stringer, of Warren.

The following report from the committee on Form and Arrangement, was submitted:

Mr. President: The committee on Form and Arrangement have instructed me to report the following additional amendment to the fifth section of the report on Franchise: Insert, after the word "Convention," in the twenty-third line, the words "or who have advocated, and shall continuously and in good faith advocate the acts of the same."

The committee would further recommend that section 22 of the report on General Provisions be stricken out.

J. Hauser, *Chairman.*
Henry W. Warren,
G. H. Holland,
William Yeoman,
Thomas W. Stringer,
James Weir, *Committee.*

Report received.

Mr. Hauser moved the adoption of the same, and its reference to the committee on Form and Arrangement.

Mr. Holland moved the previous question;

Which was not sustained, and the subject lies over.

Mr. Woodmansee moved to suspend the rules for a certain purpose.

Mr. Alcorn moved to table;

Which was lost.

And the motion to suspend the rules was lost.

Mr. McKee moved to rescind the vote on the previous question, last taken;

Which was lost.

Mr. Hauser moved to suspend the rules and take up the report of the committee on Ordinance and Schedule;

Which was carried.

And the Convention resumed the consideration of section 8 of the report of the minority on Ordinance and Schedule.

Mr. Musgrove offered the following amendment:

Strike out section 8 of the minority report, and insert the following:

Section —. The same Registrars and Commissioners who shall be appointed by the Commanding General of the Fourth Military District to superintend the election for the ratification or rejection of the Constitution, shall also, at the same time and place, superintend the election for all officers and Representatives herein ordered. Returns shall be made in duplicate, sworn to by the Registrars and Commissioners holding the election, and forwarded three days thereafter to the President of this Convention, and to the Commanding General of this District, who shall, within five days after the last return has been received, make proclamation of the result of said election, and if said Constitution shall have been adopted, the President of this Convention shall transmit a certified copy of the same, together with an abstract of the votes cast, to the President of the United States, to be by him laid before the Congress of the United States for their approval or rejection, and shall also declare the officers elected thereunder; and if declared ratified, the Constitution shall, from and after that date, be in full force and effect.

Mr. Stringer moved to table;

Which was carried.

Mr. Stringer moved that the further consideration be postponed until the committee of Five can confer with Gen. Gillem.

Mr. Musgrove moved to amend, that the chairman of the committee of Five be instructed to proceed at once and confer with the General Commanding.

Mr. Orr moved to table the amendment and the motion to postpone;

Which was carried.

Mr. Orr moved to amend as follows:

Strike out the word "attend," in the sixth line, and insert the word "supervise;" in ninth line strike out the word "superintend," and insert the word "conduct;" in tenth line insert before the word "officers" the word "State;" in tenth and eleventh lines strike out the words "and representatives;" in the thirteenth and fourteenth lines strike out the word "superintending" and insert the word "conducting."

Mr. Weir moved to amend the amendment as follows:

Strike out the seventh, eighth, ninth, and tenth lines to the word "all," and strike out the twenty-fourth, twenty-fifth, and twenty-six lines;

Which was laid on the table.

Mr. Chappell moved to amend the amendment as follows:

Strike out all after the word "Constitution," in the eighth line, and strike out the word "superintend" and insert the words "attend the polls and prevent frauds at;"

Which was laid on the table.

Mr. Chappell moved to table the amendment;

Which was lost.

Mr. Chappell moved the previous question;

Which was sustained.

And the amendment of Mr. Orr was adopted.

And the section as amended, was adopted, and reads as follows:

SEC. 8. The Committee of Five, appointed under authority of this Convention, shall appoint three Commissioners of Election for each county, whose duty it shall be to supervise the election for the ratification or rejection of the Constitution; who shall also, at the same time and place, conduct the election for all State officers herein ordered. Returns in duplicate shall be made, sworn to by the said Commissioners conducting said election, and forwarded within three days thereafter to the chairman of said Committee of Five who shall, within five days after the last return has been received, make proclamation of the result of said election; and shall also declare the officers elected thereunder, and notify them of their election; and if declared ratified, the Constitution shall, from and after that date, be in full force and effect.

Mr. Parsons, of Adams, moved to refer to the committee on Form and Arrangement.

Mr. McKee moved that the mover be permitted to withdraw the motion to refer;

Which was carried.

And the motion to refer was withdrawn.

Mr. Orr renewed the motion to refer to the committee on Form and Arrangement;

Which was laid on the table.

Mr. Cunningham moved to suspend the rules to enable him to introduce an ordinance.

Mr. Jacobs moved to table;

Which was carried.

The section in relation to the election of a Commissioner of Immigration passed its third reading, and reads as follows:

Sec. —. There shall be a Commissioner of Immigration and Agriculture, who shall be elected by the Legislature on joint ballot, who shall hold his office for the term of four years, unless sooner removed by law.

And on motion of Mr. Clarke, it was referred to the committee on Form and Arrangement.

Mr. Alderson moved to suspend the rules to enable him to introduce an ordinance; which was carried.

And Mr. Alderson submitted the following:

*Be it ordained by the people of the State of Mississippi, in Convention assembled*, That in all cases where judgments in the Circuit Courts and decrees in the Chancery or Probate Courts of this State have been rendered since the 9th day of January, 1861, and prior to this date, the party against whom such judgment or decree, has been rendered, whether in a representative capacity or otherwise, shall be entitled to a new trial upon filing an affidavit that he or she had no attorney or counselor present at the time of the rendition of said judgment or decree, and that he or she believes that said judgment or decree is unjust.

Sec. 2. *Be it further ordained*, That this ordinance shall be in force from and after the ratification of this Constitution.

Mr. Weir moved to amend as follows:

Excepting all judgments rendered by Courts acting under an oath to support any Government foreign to the Government of the United States, are declared to be null and void, and no action on, or enforcement thereof, shall ever be entertained by any officer—civil, judicial, or executive.

Which was laid on the table.

Mr. Weir moved to lay the ordinance on the table;

Which was lost.

And under the operation of the previous question, moved by Mr. Cunningham, and sustained, the ordinance passed its first reading.

Mr. F. Parsons moved to refer to the committee on Judiciary.

Mr. Newsom moved to table the motion to refer;

Which was carried.

Mr. Weir moved that the matter lie over until to-morrow;

Which was laid on the table.

Mr. Chappell moved to suspend the rules and put the ordinance upon its second reading;

Which was carried.

And the ordinance passed its second reading.

Mr. Chappell moved to suspend the rules and put the ordinance upon its third reading.

Mr. Cunningham moved the previous question,

Which was sustained;

And the motion of Mr. Chappell was carried; and the ordinance passed its third reading, and reads as follows:

SECTION 1. *Be it ordained by the people of the State of Mississippi, in Convention assembled,* That in all cases where judgments in the Circuit Courts and decrees in the Chancery or Probate Courts of this State have been rendered since the 9th day of January, 1861, and prior to this date, the party against whom such judgment or decree has been rendered, whether in a representative capacity or otherwise, shall be entitled to a new trial, upon filing an affidavit that he or she had no attorney or counsel or present at the time of the rendition of said judgment or decree, and that he or she believes that said judgment or decree is unjust.

SEC. 2. *Be it further ordained,* That this ordinance shall be in force from and after the ratification of this Constitution.

Convention adjourned to meet at 3 o'clock P. M.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Brinson, Caldwell, Castello, Chapman, Clarke, Conley, Dowd, Drane, Field, Gibbs, Handy, Hauser, Holland, Howe, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Lack, Lawson, Leas, Leonard, Mayson, Mask, Musgrove, Moore, Morgan, Mygatt, McKnight, Newsom, Niles, Ozanne, Parsons F., Powell, Railsback, Smith, Stewart, Stites, Stovall, Stringer, Stiles, Warren, Weir, Williams, and Yeoman—53.

The following delegates were absent:

Messrs. Bridges, Chappell, Collins, Combash, Cunningham, Elliott John, Elliott James, Fawn, Fitzhugh, Herbert, Jones, Kerr, Miles, Myers, McKee, Neilson, Nelms, Orr, Parsons J. R., Peyton E. A., Peyton E. G., Quinn, Richardson, Rainey, Toy, Walker, and Woodmansee—27.

Leave of absence granted to Mr. Williams for four days.

The Convention resumed the consideration of the fourth section of the supplemental ordinance on Printing.

And section 4 passed its second reading, and reads as follows:

Sec. 4. *Be it further ordained*, That all ordinances or parts of ordinances conflicting with any of the provisions of this ordinance be, and the same are hereby repealed.

Mr. Castello moved to suspend the rules and put the ordinance on its third reading;

Which was carried.

Mr. Castello moved to indefinitely postpone section 2;

Which was carried.

And sections 3 and 4 were adopted and read as follows:

Sec. 3. *Be it further ordained*, That after the adjournment of this Convention, and the Constitution shall have been submitted to the electors of the State for ratification or rejection, all accounts for printing shall be certified to by the President of this Convention, and the Chairman of the committee on the Ratification of the Constitution as being correct, before warrants shall issue in payment thereof.

Sec. 4. *Be it further ordained*, That all ordinances or parts of ordinances conflicting with any of the provisions of this ordinance be, and the same are hereby repealed.

Mr. Castello moved to refer to committee on Enrollment;

Which was carried.

Hr. Holland moved to adjourn;

Which was lost.

Mr. Dowd introduced the following:

*Resolved*, That the committee on Form and Arrangement be instructed to correct the reading of the section establishing the boundary line between Tunica and Coahoma counties so as to read: "Beginning at a point on the Mississippi river, where the north boundary of township 30, range 4 west, intersects said river, running thence east with the north boundary of township 30 to the dividing line of the Chickasaw and Choctaw nations to the south boundary of township 7; thence east on said south boundary to the corner of sections 33 and 34 in range 9, west.

Mr. Dowd moved to take up the ordinance relating to Crawford county, and put upon its third reading;

A motion to table was lost.

And the motion of Mr. Dowd was lost, by the following vote:

Yeas—Messrs. Alcorn, Chapman, Dowd, Gibbs, Handy, Howe, Johnson A., Lawson, Leas, Mayson, Mask, McKnight, Newsom, Ozanne, Parsons F., Railsback, Smith, Stiles, Toy, and Williams—20.

Nays—Messrs. Alderson, Ballard, Bonney, Brinson, Caldwell, Castello, Chappell, Clarke, Conley, Drane, Elliott John, Fawn, Holland, Jacobs, Johnson S., Lack, Leonard, Musgrove, Moore, Miles, McKee, Niles, Orr, Powell, Richardson, Stewart, Stovall, Stites, Warren, Weir, and Woodmansee—31.

Mr. Castello introduced the following:

*Resolved*, That the *Meridian Chronicle, Mississippi State Journal, Vicksburg Republican, and Daily Mississippi Pilot* be authorized to publish in each of their issues, the Constitution adopted by this Convention, from the date of the adjournment of the Convention, for which they shall be allowed the same compensation as is now allowed the Official Journal for the publication of the proceedings of the Convention, and that the Secretary be directed to furnish those papers with an official copy of the Constitution, immediately after the adjournment of the Convention.

Mr. Ozanne moved to amend by adding the *Corinth News*, published at Corinth, Mississippi, and the *Panola Star*, published at Panola, Mississippi, both weekly papers.

Pending action on the same, the Convention adjourned to meet to-morrow morning at 9 o'clock.

T. P. Sears,
*Secretary*.

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## NINETY-NINTH DAY.

Jackson, Miss., Thursday, April 30th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Barry, Ballard, Bonney, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Conley, Cunningham, Drane, Elliott John, Fawn, Field, Fitzhugh, Handy, Hauser, Holland, Howe, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Lack, Lawson, Leas, Leonard, Mayson, Mask, Musgrove, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Newsom, Niles, Orr, Ozanne, Parsons F., Parsons J. R., Powell, Quinn, Railsback, Richardson, Smith, Stewart, Stites, Stovall, Stiles, Toy, Warren, Weir, Woodmansee, and Yeoman—60.

The following delegates were absent:

Messrs. Alcorn, Beam, Bridges, Brinson, Collins, Dowd, Elliott James, Gibbs, Herbert, Jones, Kerr, Niles, Neilson, Nelms, Peyton E. A., Peyton E. G., Rainey, Stringer, Walker, and Williams—20.

Journal of yesterday read and approved.

Leaves of absence were granted, to Mr. A. Johnson, for four days; to Mr. Musgrove, for three days from Saturday; to Mr. James Elliott, from day to day; to Mr. Field, for five days.

The committee on Enrollment submitted the following report:

Mr. President—Your committee on Enrollment have examined an ordinance, passed by this Convention April 25th, to cede to the United States jurisdiction over the National Cemetery in Tishomingo county.

Also, an ordinance passed April 23d, to amend the Tax Ordinance of this Convention, passed February 27th, and have instructed me to report that they find them correctly enrolled.

Respectfully,
JAMES WEIR, *Chairman.*
M. T. NEWSOM,
W. B. CUNNINGHAM, and others,
*Committee.*

Report received.

The committee on Form and Arrangement made the following report·

MR. PRESIDENT—The committee on Form and Arrangement have instructed me to report the several articles of the Constitution referred to them, in the following order:

ARTICLE I.—Bill of Rights.
ARTICLE II.—Boundaries of the State.
ARTICLE III.—Distribution of the powers of Government.
ARTICLE IV.—Legislative Department.
ARTICLE V.—Executive Department.
ARTICLE VI.—Judiciary.
ARTICLE VII.—Elective Franchise.
ARTICLE VIII.—School Funds, Education, and Science.
ARTICLE IX.—Of the Militia.
ARTICLE X.—Internal Improvements.
ARTICLE XI.—Miscellaneous.

J. HAUSER,
*Chairman.*

Report received.

Mr. Morgan moved to print 100 copies, and make it the special order for Monday next;

Which was laid on the table.

Mr. Morgan moved that the report be printed, and made the special order for to-morrow.

Mr. Barry moved to amend as follows:

That it be made the special order for Monday next.

Mr. Cunningham moved to table the amendment;

Which was lost, by the following vote:

YEAS—Messrs. Ballard, Clarke, Cunningham, Drane, Elliott John, Hauser, Holland, Howe, Hutto, Jamison, Johnson, S., Lack, Musgrove, Niles, Parsons F., Powell, Richardson, Smith, Warren, Weir, and Woodmansee—21.

NAYS—Messrs. Alderson, Alcorn, Barry, Bonney, Brinson, Caldwell, Castello, Chapman, Chappell, Combash, Conley, Fawn, Field, Fitzhugh, Handy, Jacobs, Johnson A., Lawson, Leas, Mayson, Mask, Moore, Morgan, Myers, Mygatt, McKee, Newsom, Orr, Ozanne, Quinn, Stewart, Stites, Stiles, Toy, and Yeoman—35.

Mr. Orr moved the previous question;

Which was sustained;

And the amendment of Mr. Barry was adopted, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Barry, Bonney, Brinson, Caldwell, Castello, Chapman, Chappell, Combash, Field, Fitzhugh, Handy, Johnson A., Lawson, Leas, Mayson, Mask, Moore, Newsom, Orr, Ozanne, Parsons J. R., Quinn, Stewart, Stites, Stiles, Toy, and Yeoman—29.

Nays—Messrs. Ballard, Clarke, Conley, Cunningham, Drane, Elliott John, Fawn, Hauser, Holland, Howe, Hutto, Jacobs, Jamison, Johnson S., Lack, Musgrove, Morgan, Myers, Mygatt, Niles, Parsons F., Powell, Richardson, Smith, Warren, Weir, and Woodmansee—28.

And the resolution of Mr. Morgan, as amended, was adopted.

Mr Musgrove moved to reconsider the vote just taken.

Mr. Fitzhugh moved to lay the motion on the table;

Which was lost.

And the motion to reconsider was carried, by the following vote:

Yeas—Messrs. Ballard, Clarke, Cunningham, Drane, Elliott John, Fawn, Hauser, Holland, Howe, Hutto, Jacobs, Jamison, Johnson S., Lack, Leas, Leonard, Mask, Musgrove, Morgan, Mygatt, Parsons F., Powell, Railsback, Richardson, Smith, Warren, Weir, and Woodmansee—28.

Nays—Messrs. Alderson, Alcorn, Barry, Bonney, Brinson, Caldwell, Castello, Chapman, Chappell, Fitzhugh, Johnson A., Lawson, Mayson, Moore, Myers, McKee, Newsom, Orr, Ozanne, Quinn, Stewart, Stites, Stiles, Toy, and Yeoman 25.

Mr. Mygatt moved to amend the amendment by making it the special order for 10 o'clock to-morrow.

Mr. Orr moved to lay the motion on the table;

Which was lost.

Mr. Woodmansee moved the previous question;

Which was sustained.

And the amendment of Mr. Mygatt was adopted.

The resolution introduced by Mr. Dowd, yesterday, was withdrawn by consent.

And Mr. Conley offered the following:

### AN ORDINANCE SUPPLEMENTARY TO AN ORDINANCE PASSED APRIL 6TH, A. D. 1868, DEFINING THE BOUNDARY LINE BETWEEN COAHOMA AND TUNICA COUNTIES, AND FOR OTHER PURPOSES.

Section 1. *Be it ordained by the people of the State of Mississippi, in Convention assembled,* That so much of the ordinance as establishes the boundary line between Tunica and Coahoma counties, shall be amended so that it reads as follows: Beginning at a point on the Mississippi river, where the north boundary of township thirty, range four, west, intersects said river; running thence east with the north boundary of township thirty, to the dividing line of the Choctaw and Chickasaw nations, to the south boundary of township seven; thence east, on said south boundary, to the corner of sections thirty-three and thirty-four, in range nine, west.

And the ordinance passed its first reading.

The rules were suspended, and the ordinance was read by its title, and passed its second reading.

Under a further suspension of the rules, the ordinance passed a third reading, and reads as above, and was referred to the committee on Enrollment.

Mr. Ozanne moved to suspend the rules to enable him to introduce a resolution;

Which was lost.

The resolution in relation to publishing the Constitution pending on adjournment yesterday, was taken up;

And the amendment introduced by Mr. Ozanne being under consideration, Mr. Leas offered the following as an amendment to the amendment:

*Resolved*, That the *Vicksburg Republican*, *State Journal*, *Mississippi Pilot*, and *Meridian Chronicle*, each be authorized to publish the Constitution, when completed, once a week, (oftener if they choose) for four consecutive weeks; and that the sum of three hundred dollars be allowed each as full compensation for the same.

Mr. Castello moved to table the amendment and the amendment thereto;

Which was carried.

Mr. Castello offered the following, as an amendment:

That the *Daily Mississippi Pilot*, *Meridian Chronicle*, *Vicksburg Republican*, and *Mississippi State Journal*, be authorized to publish, once a week, the Constitution adopted by this Convention, from the date of the adjournment of the Convention until the day of the election; for which they shall be allowed for the first publication the same compensation as is now allowed the Official Journal for publishing the proceedings of the Convention; and for every subsequent publication they shall receive twenty-five cents per square. And that the Secretary be directed to furnish these papers with an official copy of the Constitution immediately after the adjournment of the Convention.

Mr. Ozanne offered the following as an amendment to the amendment:

Add the *Corinth News*, published at Corinth, Mississippi.

Pending action on the same, the Convention adjourned, to meet at 3 o'clock P. M.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Bonney, Brinson, Caldwell, Castello, Clarke, Combash, Conley, Elliott John, Fawn, Handy, Howe, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Lack, Lawson, Leas, Leonard, Mayson, Mask, Musgrove, Moore, Myers, Mygatt, McKee, McKnight, Newsom, Niles, Orr, Parsons F., Powell, Railsback, Richardson, Smith, Stewart, Stites, Stovall, Stiles, Toy, Warren, Woodmansee, and Yeoman—50.

The following delegates were absent:

Messrs. Beam, Bridges, Chapman, Chappell, Cunningham, Dowd, Drane, Elliott James, Field, Fitzhugh, Gibbs, Hauser, Herbert, Holland, Jones, Kerr, Miles, Morgan, Neilson, Nelms, Parsons J. R., Peyton E. A., Peyton E. G., Quinn, Rainey, Stringer, Walker, Weir, and Williams—30.

Leave of absence was granted to Mr. Handy for two days.

The Convention resumed the consideration of the resolution and amendment pending on adjournment.

And the amendment to the amendment was accepted by Mr. Castello.

Mr. Niles offered to amend by adding the *Kosciusko Chronicle ;*

Which was lost.

And the amendment of Mr. Castello was adopted;

And the resolution as amended was adopted.

Mr. Castello introduced the following ordinance:

### AN ORDINANCE OF RELIEF FROM ILLEGAL TAX SALES, AND FORFEITURES OF PROPERTY FOR TAXES.

SECTION 1. *Be it ordained by the people of the State of Mississippi, in Convention assembled,* That all sales for forfeitures of land to the State of Mississippi, which occurred between the 8th of January, 1861, and the 1st of June, 1865, by reason of the non-payment of the tax then claimed to be due, be and the same are hereby declared to be null and void, and the Auditor of Public Accounts is directed within three months after the passage of this ordinance, to make out a list of all such lands appearing upon the books of his office, and transmit the same to the Clerk of the Probate Court of each county respectively, where such lands may be situated; and said lands shall hereafter be assessed, and the tax collected according to the laws now in force.

SEC. 2. *Be it further ordained,* That all deeds or other evidences of title executed by any Sheriff or Tax Collector, or Auditor of Public Accounts of this State, to individuals, to lands on account of any tax claimed to be due and unpaid, between the 1st of January, 1861, and the 1st of June, 1865, be, and the same are hereby declared null and void.

Mr. Stiles offered the following:

*Resolved,* That all citizens of the State of Mississippi who have been disabled from making a living by manual labor, either by wounds, by accident, or any great bodily infirmity, are hereby exempted from the payment of any poll-tax, whether to the State or any corporation authorized to levy and collect taxes.

Mr. Alderson moved to amend by striking out the words "or great bodily infirmity."

Mr. Alderson offered the following as an amendment to the amendment:

And all imaginary evils and other causes of complaint known to suffering humanity.

The amendment and the amendment thereto, were laid on the table.

Mr. F. Parsons offered the following as an amendment, and which was accepted by Mr. Stiles:

All citizens of the State of Mississippi who are disabled for any cause from making a living by manual labor, shall not hereafter be compelled to pay any poll-tax.

Mr. Clarke moved to indefinitely postpone;

Which was carried.

Mr. Ozanne offered the following ordinance:

*Be it ordained by the people of the State of Mississippi, in Convention assembled*, That all contracts, debts, obligations to pay, evidences of indebtedness, accounts, or liabilities, not heretofore canceled, paid or satisfied in part or whole, that shall have been entered into between the time of the passage of the Ordinance of Secession and the surrender of the so-called Confederate army, shall be held and regarded as illegal, void, and of no effect; *Provided, however*, That nothing in this ordinance shall be so construed as to affect the interests of minors, widows dower or marriage contracts.

Which was received.

Mr. Castello offered the following:

Sec. —. All contracts, judgments, securities, mortgages, or conveyances whatever, made, given, granted, entered into or executed at any time when the whole or any part of the consideration or foundation of such contract, judgment, security, or conveyance, shall be for slaves or for the hire of slaves, shall be utterly void.

The report of the committee on Form and Arrangement, lying over from yesterday, was taken up and adopted.

A motion to adjourn was lost.

Mr. McKee moved to reconsider the vote adopting report of the committee on Form and Arrangement.

Mr. Clarke moved to table;

Which was carried.

Mr. Niles moved to adjourn;

Which was lost.

Mr. Musgrove offered the following:

*Resolved*, That the committee of Five appointed to take charge of the ratification of the Constitution, etc., be allowed five dollars per day for the time actually employed.

Mr. Ozanne moved to table;

Which was carried.

The Convention adjourned to meet to-morrow morning at 9 o'clock.

T. P. Sears,
*Secretary.*

## ONE HUNDREDTH DAY.

JACKSON, MISS., Friday May 1st, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alcorn, Alderson, Ballard, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Conley, Dowd, Drane, Elliott John, Fawn, Field, Gibbs, Handy, Hauser, Herbert, Holland, Howe, Hutto, Jacobs, Jamison, Johnson S.. Johnson A., Lack, Lawson, Leas, Leonard, Mayson Mask, Musgrove, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Newsom, Niles, Orr, Ozanne, Parsons F., Peyton E. A., Quinn, Powell, Railsback, Richardson, Smith, Stewart, Stites, Stovall, Stiles, Toy, Warren, Weir, Woodmansee, and Yeoman—64.

The following delegates were absent:

Messrs. Beam, Collins, Cunningham, Elliott James, Fitzhugh, Jones, Kerr, Miles, Neilson, Nelms, Parsons J. R., Peyton E. G., Rainey, Stringer, Walker, and Williams—16.

Journal of yesterday read and approved.

Leaves of absence were granted, to Mr. John Elliott for five days; to Mr. Cunningham for one day.

The committee on Enrollment made the following report:

*To the President and Members of Constitutional Convention:*

Your committee on Enrollment having examined the following ordinances, to-wit:

An ordinance in relation to Printing, passed April 29, 1868;

An ordinance in relation to Judgments and Decrees of courts, passed April 29, 1868;

An ordinance in relation to Escheats, passed April 28, 1868;

Have instructed me to report that they find them correctly enrolled.

Very respectfully,

JAMES WEIR,

*Chairman.*

Report received.

The following report from the committee of Five on Ratification of the Constitution, was submitted:

*To the President and Members of Constitutional Convention:*

Your committee who were appointed to confer with the General Commanding the Fourth Military District, beg leave to submit the following report:

It is his opinion that if the Convention imposes any restrictions on electors, other than those embraced in the Reconstruction Acts, it must provide for a separate election for State officers; he has no authority for ordering such an election, at the same time he will not interfere if the Convention sees proper to provide for a separate election.

The General will appoint his Registrars an order the election in strict accordance with the Reconstruction Acts.

If the Convention sees proper or deems it necessary, it can appoint Commissioners to attend the election, and be present at the counting of the votes.

He also states that thirty-five days after the adjournment of the Convention, will give him time sufficient to order and hold the election. Thinks it would be advisable to have the time for holding the election so arranged as to begin on Monday.

W. H. GIBBS,
*Chairman.*
A. S. DOWD.

Report received.

Mr. Stovall offered the following:

WHEREAS, W. L Hemmingway, late a member of this Convention, has uniformly advocated reconstruction of this State under the reconstruction laws of Congress, and did openly and publicly declare such sentiments, thereby inducing very many persons white and black to vote for the calling of this Convention, and there being good reasons for believing that he will vote for the ratification of the Constitution; therefore, be it

*Resolved*, That this Convention recommend that the disabilities of the aforesaid W. L. Hemmingway be removed by the Congress of the United States.

Mr. Clarke moved to refer to the committee on Removal of Disabilities;

Which was lost.

Mr. Castello offered the following amendment, which was accepted by Mr. Stovall:

*Provided*, He recognizes the civil and political equality of all men.

Mr. Holland moved to table the resolution and amendment;

Which was lost, by the following vote:

YEAS—Messrs. Ballard, Bonney, Caldwell, Chapman, Clarke, Combash, Drane, Holland, Johnson A., Leonard, Mayson, Moore, Newsom, Powell, Quinn, Smith, Stewart, Toy, Warren, Weir, and Yeoman—21.

NAYS—Messrs. Alderson, Brinson, Castello, Chappell, Conley, Elliott John, Fawn, Gibbs, Howe, Hutto, Jacobs, Johnson S. Lack, Lawson, Leas, Mask, Musgrove, Myers, McKee Niles, Ozanne, Parsons F., Railsback, Richardson, Stites, Stovall, Stiles—27.

Mr. Warren moved to defer further action until the report of the committee on the Removal of Disabilities be taken up for consideration; which was carried.

The ordinance relating to relief from illegal tax sales and forfeirure of property for taxes, introduced yesterday by Mr. Castello, was taken up, and passed its first reading.

The ordinance relating to contracts, debts, etc., created between the time of the passage of the ordinance of secession and the surrender of the so-called Confederate Army, declaring the illegality of the same, introduced by Mr. Ozanne yesterday, was taken up and passed its first reading.

And the section introduced by Mr. Castello yesterday, in reference to contracts, judgments, securities, mortgages or conveyances predicated upon the hire or sale of slaves, and declaring the same null and void, was read and passed its first reading.

Mr. Railsback presented the following ordinance:

*Be it ordained by the people of the State of Mississippi, in Convention assembled,* That the boundary lines of Pontotoc county, in said State, be and the same are hereby changed as follows, to-wit: The south line of the said county of Pontotoc be extended due east three miles; thence north, parallel with the present east boundary line of said Pontotoc county, to the north line of Lee county; thence west, along the north line of said Lee county, to the northeast corner of said Pontotoc county.

*Be it further ordained,* That the territory now attached to Lee county, included and being within the above described survey, shall be attached to Pontotoc county and be made a portion of said county.

*Be it further ordained,* That the Legislature, at its first session, may take such action respecting the residue of said Lee county as may be deemed by them advisable.

Mr. Ozanne moved to suspend the rules and put the ordinance on its first reading;

Which was carried.

And the ordinance passed its first reading.

Mr. Ozanne moved to suspend the rules and put the ordinance upon its second reading;

Which was carried.

And the ordinance passed its second reading.

Mr. Ozanne moved to suspend the rules and put the ordinance upon its third reading;

Which was carried.

And the ordinance passed its third reading, and was referred to the committee on Enrollment, and reads as follows:

### AN ORDINANCE PASSED MAY 1, A. D. 1868, BY THE MISSISSIPPI CONSTITUTIONAL CONVENTION, CHANGING THE BOUNDARY LINES OF PONTOTOC COUNTY, AND FOR OTHER PURPOSES.

*Be it ordained by the people of the State of Mississippi, in Convention assembled,* That the boundary lines of Pontotoc county in said State, be and the same are hereby changed as follows, to-wit: The south line of the said county of Pontotoc be extended due east three miles; thence north, parallel with the present east boundary line of said Pontotoc county, to the north line of Lee county; thence west, along the north line of said Lee county, to the northeast corner of said Pontoc county.

*And be it further ordained*, That the territory now attached to Lee county, included and being within the above described survey, shall be attached to Pontotoc county, and be made a portion of said county.

*Be it further ordained*, That the Legislature, at its first session, may take such action respecting the residue of said Lee county as may be deemed by them advisable.

Mr. Chapman offered the following:

*Resolved*, That the members of this Convention be requested to present, in writing, to the committee on Contingent Expenses, the amount of money they have paid for postage during the session, and that the committee be requested to report upon the same.

Mr. Warren moved to table;

Which was carried, by the following vote:

Yeas—Messrs. Alcorn, Ballard, Barry, Brinson, Castello, Chappell, Combash, Conley, Dowd, Drane, Elliott John, Fawn, Gibbs, Hauser, Holland, Howe, Hutto, Jacobs, Jamison, Johnson S., Lack, Lawson, Leas, Mayson, Mask, Musgrove, Moore, Morgan, Myers, Newsom, Niles, Orr, Ozanne, Parsons F., Peyton E. A., Powell, Railsback, Richardson, Smith, Stewart, Stiles, Stites, Toy, Warren, Weir, Woodmansee, Yeoman—47.

Nays—Messrs. Caldwell, Chapman, Quinn—3.

The Convention proceeded to the consideration of the Constitution as a whole.

Article 1, being the Bill of Rights, was taken up, and section 1 put upon its final passage.

Mr. Stiles moved that the Convention go into Committee of the Whole for the consideration of the same;

Which was lost.

And section 1 was adopted, and reads as follows:

Section 1. All persons resident in the State, born in the United States, or naturalized, are hereby declared citizens of the State of Mississippi.

Section 2 was adopted, and reads as follows:

Sec. 2. No person shall be deprived of life, liberty, or property, except by due process of law.

Section 3 was adopted, and reads as follows:

Sec. 3. The privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion, the public safety may require it.

Section 4 was adopted, and reads as follows:

Sec. 4. The freedom of speech and of the press shall be held sacred; and in all indictments for libel, the jury shall determine the law and the facts, under the direction of the Court.

Section 5 was adopted, and reads as follows:

Sec. 5. No person's life or liberty shall be twice placed in jeopardy for the same offense.

Section 6 was adopted, and reads as follows:

Sec. 6. The right of the people, peaceably to assemble, and petition the government on any subject, shall never be impaired.

Section 7 was adopted, and reads as follows:

Sec. 7. In all criminal prosecutions, the accused shall have a right to be heard by himself or counsel, or both; to demand the nature and cause of the accusation; to be confronted by the witnesses against him; to have a compulsory process for obtaining witnesses in his favor, and in all prosecutions, by indictment or information, a speedy and public trial, by an impartial jury of the county where the offense was committed; and he shall not be compelled to give evidence against himself.

Section 8 was adopted, and reads as follows:

Sec. 8. Cruel or unusual punishment shall not be inflicted, nor shall excessive fines be imposed; excessive bail shall not be required, and all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident, or presumption great.

Section 9 was adopted, and reads as follows:

Sec. 9. No *ex post facto* law or laws impairing the obligation of contracts, shall ever be passed.

Section 10 was adopted, and reads as follows:

Sec. 10. Private property shall not be taken for public use, except upon due compensation first being made to the owner or owners thereof, in a manner to be provided for by law.

Section 11 was adopted, and reads as follows:

Sec. 11. There shall be no imprisonment for debt, except in cases in which the debt was incurred by fraud, or in which the debtor fraudulently conceals his or her property.

Mr. Niles moved to go into Committee of the Whole;

Which was carried.

And after certain action had therein, the committee rose, and through their chairman, Mr. Weir, reported progress.

Mr. Gibbs moved to reconsider the vote adopting section 11.

Mr. Hauser moved to table;

Which was lost.

And the motion of Mr. Gibbs was carried.

Mr. Musgrove moved to strike out all after the word "debt," in the second line;

Which was carried.

And section 11 was adopted, as amended, and reads as follows:

Sec. 11. There shall be no imprisonment for debt.

Section 12 was adopted, and reads as follows:

Sec. 12. The right of trial by jury shall remain inviolate.

Section 13 was adopted, and reads as follows:

Sec. 13. No property qualification shall ever be required of any person to become a juror.

Section 14 was adopted, and reads as follows:

Sec. 14. The people shall be secure in their persons, houses, and possessions, from unreasonable seizure, or search, and no warrant shall be issued without probable cause, supported by oath or affirmation, specially designating the place to be searched, and the person or thing to be seized.

Section 15 was adopted, and reads as follows:

SEC. 15. All persons shall have a right to keep and bear arms for their defense.

Section 16:

Mr. Niles moved to go into Committee of the Whole, to consider the balance of the report;

Which was carried.

And after certain proceedings had therein, the committee rose, and through their chairman, Mr. Orr, reported section 16 so amended as to read as follows, and recommended its adoption:

SEC 16. The rights of married women shall be protected by law in property owned previous to marriage, and also in all property acquired in good faith by purchase, gift, devise, or bequest, after marriage; *Provided*, That nothing herein contained, shall be so construed as to protect said property from being applied to the payment of their lawful debts.

Mr. Morgan moved to amend by way of ryder:

Add to the section after the word "debts," the words "and their husband's debts."

Mr. Chappell moved to table;

Which was carried.

Mr. Weir moved to amend by way of ryder:

Add at the end of the section the words "and that no property of any description whatever shall ever be sold by authority of any decree of any court, or under authority of any execution, to enforce the payment of any debt hereafter contracted by any man or men."

Which was laid on the table.

And section 16, as amended in Committee of the Whole, was adopted, and reads as follows:

SEC. 16. The rights of married women shall be protected by law, in property owned previous to marriage; and, also in all property acquired in good faith, by purchase, gift, devise, or bequest, after marriage; *Provided*, That nothing herein contained shall be so construed as to protect said property from being applied to the payment of their lawful debts.

Section 17 was adopted, and reads as follows:

SEC. 18. No property qualification for eligibility to office shall ever be required.

Section 18 was adopted, and reads as follows:

SEC. 18. No property or educational qualification shall ever be required for any person to become an elector.

Section 19 was adopted, and reads as follows:

SEC. 19. There shall be neither slavery nor involuntary servitude in this State, otherwise than in the punishment of crime, whereof the party shall have been duly convicted.

Section 20 was adopted, and reads as follows:

SEC. 20. The right to withdraw from the Federal Union, on account of any real or supposed grievances, shall never be assumed by this State, nor shall any law be passed in derogation of the paramount allegiance of the citizens of this State to the government of the United States.

Section 21:

Mr. Weir moved to amend by way of ryder:

Add to the end of the section the words "*Provided*, That this section shall not be so construed as to apply to public schools."

Mr. Jacobs moved to table;

Which was carried.

Pending further consideration of section 21 of the Bill of Rights, the Convention adjourned to meet at 3 o'clock P. M.

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Bonney, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Conley, Elliott John, Fawn, Field, Gibbs, Herbert, Holland, Howe, Hutto, Jacobs, Jamison, Johnson A., Johnson S., Lack, Lawson, Leonard, Mayson, Mask, Musgrove, Moore, Morgan, Myers, Mygatt, McKee, Newsom, Niles, Orr, Ozanne, Parsons F., Peyton E. A., Powell, Quinn, Railsback, Richardson, Smith, Stewart, Stites, Stiles, Warren, Weir, and Yeoman—54.

The following delegates were absent:

Messrs. Bridges, Collins, Cunningham, Dowd, Elliott James, Fitzhugh, Handy, Hauser, Jones, Kerr, Leas, Miles, McKnight, Neilson, Parsons J. R., Peyton E. G., Rainey, Stovall, Stringer, Toy, Walker, Williams, and Woodmansee—23.

Leaves of absence were granted, to Mr. J. R. Parsons for two days; to Mr. Leas for two days; to Mr. Woodmansee for two days.

The Convention resumed the consideration of section 21 of the Bill of Rights.

Mr. Barry moved to amend by way of ryder:

*Provided*, That nothing herein contained shall be so construed as to prevent the Legislature from appropriating the school fund in accordance with its mode of establishing public schools;

Which was laid on the table.

Mr. Weir moved to adopt the section;

And the previous question being moved and sustained, the section was adopted, by the following vote:

YEAS—Messrs. Alcorn, Barry, Bonney, Brinson, Caldwell Castello, Clarke, Combash, Drane, Fawn, Field, Holland, Jacobs Jamison, Johnson S., Johnson A., Lack, Lawson, Leonard Mayson, Moore, Morgan, Myers, Mygatt, McKee, Newsom Peyton E. A., Powell, Quinn, Richardson, Smith, Stewart, Stiles Weir, and Yeoman—35.

NAYS—Messrs. Chapman, Conley, Elliott John, Gibbs, Herbert, Howe, Hutto, Mask, Musgrove, Ozanne, Parsons F., Railsback, Stiles, and Warren—14.

Mr. Barry moved to reconsider the vote just taken;

Which was carried.

Mr. Musgrove moved to go into Committee of the Whole for the further consideration of section 21.

Mr. Jacobs moved to table;

Which was lost.

And the motion to go into Committee of the Whole prevailed.

Committee rose and through their chairman, Mr. Orr, reported back section 21, amended to read as follows:

Sec. 21. No public money or moneys shall be appropriated for any charitable institution in this State, making any distinction among the citizens thereof.

And recommended its adoption.

Mr. McKee moved to receive.

Pending action upon the same, the Convention adjourned to meet to-morrow morning at 9 o'clock.

T. P. Sears,
*Secretary.*

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## ONE HUNDRED AND FIRST DAY.

Jackson, Miss., Saturday, May 2d, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Clarke, Chappell, Combash, Conley, Cunningham, Dowd, Drane, Fawn, Fitzhugh, Gibbs, Hauser, Holland, Howe, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Lack, Lawson, Leonard, Mayson, Mask, Moore, Morgan, Myers, Mygatt, McKee, Niles, Orr,. Ozanne, Parsons F,. Parsons J. R., Peyton E. A., Powell, Quinn. Railsback, Richardson, Stewart, Stites, Stovall, Stringer, Toy, Weir, and Yeoman—56.

The following delegates were absent:

Messrs. Beam, Collins, Elliott John, Elliott James, Field, Handy, Herbert, Jones, Kerr, Leas, Musgrove, McKnight, Miles, Neilson, Nelms, Newsom, Peyton E. G., Rainey, Smith, Stiles, Walker, Warren, Williams, and Woodmansee—24.

Journal of yesterday read and approved.

Leave of absence was granted to Mr. Warren for one day.

The committee on Enrollment reported as follows:

MR. PRESIDENT: Your committee on Enrollment have examined the following ordinances, and find them correctly enrolled, to-wit:

An ordinance changing the boundary line of Pontotoc county and for other purposes, passed May 1st, 1868; and an ordinance passed April 30th, 1868, supplemental to an ordinance passed April 6th, 1868, defining the boundary line between Coahoma and Tunica counties and for other purposes, and have instructed me to report that they have found the same correctly enrolled.

JAMES WEIR,
*Chairman.*

Report received.

The committee on Contingent Expenses reported as follows:

MR. PRESIDENT: The committee on Contingent Expenses, to whom was referred the annexed bills, would respectfully report that they believe said bills to be correct, and would recommend they be allowed.

Respectfully,
U. OZANNE, *Chairman.*
JEHIEL RAILSBACK,
JOHN C. BRINSON,
*Of Committee.*

JACKSON, MISS., April 30th, 1868.

*Mississippi Constitutional Convention,*
*To the Journal Office,* DR.

To 5,510 copies Daily State Journal, for the month of April, at five cents per copy.................... $275 50

I certify that the above account is correct, and that the papers charged for were received by me and distributed among the members of the Convention.

NELSON G. GILL,
*Sergeant-at-Arms.*

JACKSON, MISS., May 1st, 1868.

*Constitutional Convention, State of Mississippi,*
*To Jackson Gas Light Company,* DR.

To Gas consumed during the month of April, A. D. 1868: 6,000 cubic feet, at $8 00 per 1000........ $48 00

CANTON, MISS., April 28, 1868.

*Mississippi Constitutional Convention,*
*To Geo. Moorman,* DR.

To amount paid for printing official laws of Convention to assist in collection of taxes, etc., 300 copies......$18 00

JACKSON, MISS., April 30, 1868.

*State of Mississippi,*
*To Taswell Jones,* DR.

To services performed as porter to Constitutional Convention from the 10th to the 30th of April inclusive, twenty-one days @ $2 50 per day....................$52 50

I certify that the above account is correct.

NELSON G. GILL,
*Sergeant-at-Arms.*

Report received.

Mr. Ozanne moved to suspend the rules to take action on the report;

Which was carried.

Mr. Ozanne moved to adopt the report, and on that motion moved the previous question;

Which was not sustained.

And the subject lies over.

Mr. Morgan moved to suspend the rules to take up the order of the day;

Which was carried.

Mr. Barry moved to reconsider the vote adopting section 1 of the Bill of Rights;

Which was carried.

Mr. Barry moved to amend by way of ryder, as follows:

All persons, resident in this State, citizens of the United States, are hereby declared citizens of the State of Mississippi.

And the section, as amended was adopted.

The unfinished business was taken up, being section 21 of the Bill of Rights, as reported back from the Committee of the Whole yesterday;

Mr. Jacobs moved to go into the Committee of the Whole for the further consideration of the section;

Which was carried.

The committee rose, and through their chairman, Mr. Weir, reported no quorum present in the Committee of the Whole.

Upon a call of the Convention, a quorum was found to be present.

Mr. Morgan moved to go into the Committee of the Whole;

Which was carried.

And after certain action had therein, the committee rose, and through their chairman, Mr. Orr, reported progress, and asked leave to sit again.

Report received.

Mr. Chappell moved to suspend the rules, so that when the Convention adjourns it be to meet Monday at 9 A. M.;

Which was lost.

The Convention adjourned to meet at 3 P. M.

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Bonney, Bridges, Brinson, Castello, Chapman, Clarke, Combash, Conley, Dowd, Fitzhugh, Gibbs, Hauser, Holland, Howe, Hutto, Jacobs, Johnson S., Johnson A., Lack, Leonard, Mayson, Mask, Moore, Morgan, Myers, Mygatt, McKee, Newsom, Niles, Orr, Parsons F., Parsons J. R., Powell, Quinn, Railsback, Richardson, Stewart, Stovall, Stringer, Stiles, Toy, Weir, and Yeoman—48.

The following delegates were absent:

Messrs. Beam, Caldwell, Chappell, Collins, Cunningham, Drane, Elliott John, Elliott James, Fawn, Field, Handy, Herbert, Jamison, Jones, Kerr, Lawson, Leas, Musgrove, Miles, McKnight, Neilson, Nelms, Ozanne, Peyton E. A., Peyton E. G., Rainey, Smith, Stites, Walker, Warren, Williams, and Woodmansee—32.

Under a suspension of the rules, the account of Taswell Jones, presented this morning, was allowed and a warrant ordered to be drawn in payment thereof.

Under a further suspension of the rules, Mr. Railsback presented the following:

*Resolved*, That a committee of three be appointed to investigate the account of the Sheriff of Noxubee county, and report to this Convention respecting the excess, if any, paid to the State Treasurer by said Sheriff, over and above the tax levied by this Convention.

Mr. Fitzhugh moved to go into Committee of the Whole for the further consideration of section 21;

Which was lost.

Mr. Stiles moved to adjourn;

Which was lost.

The motion to receive the report of the Committee of the Whole, pending on adjournment last evening, was carried.

Mr. Jacobs moved to go into Committee of the Whole.

Mr. Fitzhugh moved to table;

Which was carried.

Mr. Stringer offered the following by way of ryder, as an amendment to section 21:

"*Provided*, That nothing herein contained shall be so construed as to prevent the Legislature from appropriating the School Fund in accordance with the article in this Constitution relating to public schools."

Mr. Jacobs moved to table;

Which was lost.

Mr. Alderson moved to indefinitely postpone section 21 and amendment thereto.

Mr. Jacobs moved to table; which was lost.

And the motion to postpone was lost, by the following vote:

YEAS—Messrs. Alderson, Niles, and Orr—3.

NAYS—Messrs. Alcorn, Bonney, Bridges, Brinson, Castello, Chapman, Clarke, Combash, Conley, Dowd, Fitzhugh, Gibbs, Hauser, Holland, Howe, Hutto, Jacobs, Johnson S., Johnson A., Lack, Leonard, Mayson, Mask, Moore, Morgan, Myers, Mygatt, McKee, Newsom, Parsons F., Parsons J. R., Ozanne, Powell, Railsback, Richardson, Stewart, Stovall, Stringer, Stiles, Toy, Weir, and Yeoman—42.

Mr. Fitzhugh moved the previous question;

Which was sustained.

And the amendment of Mr. Stringer, by way of ryder, was adopted, by the following vote:

YEAS—Messrs. Alcorn, Bonney, Bridges, Brinson, Castello, Chapman, Chappell, Clarke, Combash, Conley, Gibbs, Hauser, Holland, Hutto, Johnson S., Johnson A., Lack, Leonard, Mask, Moore, Myers, Mygatt, McKee, Newsom, Niles, Parsons F., Parsons J. R., Powell, Railsback, Stewart, Stovall, Stringer, Stiles, Toy, Weir, Yeoman—37.

NAYS—Messrs. Alderson, Fitzhugh, Howe, Jacobs, Mayson, Morgan, Orr, Richardson—8.

And section 21 was adopted, as amended, by the following vote:

YEAS—Messrs. Alcorn, Barry, Bonney, Bridges, Brinson, Castello, Chapman, Chappell, Clarke, Combash, Fitzhugh, Gibbs, Hauser, Holland, Johnson S., Johnson A., Lack, Leonard, Mayson, Moore, Morgan, Myers, Mygatt, McKee, Newsom, Parsons F., Parsons J. R., Powell, Railsback, Stewart, Stovall, Stringer, Toy, Weir, Yeoman—35.

NAYS—Messrs. Alderson, Conley, Dowd, Howe, Hutto Jacobs, Mask, Niles, Orr, Richardson, Stiles—11.

The section reads as follows:

SEC. 21. No public money or moneys shall be appropriated for charitable or other public institutions in this State, making any distinction among the citizens thereof; *Provided*, That nothing herein contained shall be so construed as to prevent the Legislature from appropriating the school fund in accordance with the article in this Constitution relating to public schools.

Section 22:

Mr. Conley moved to go into Committee of the Whole, to consider section 22;

Which was lost.

Mr. Fitzhugh moved to adjourn;

Which was lost.

Mr. F. Parsons moved to go into Committee of the Whole;

Which was carried.

And after certain proceedings had therein, the committee rose, and through their chairman, Mr. Orr, reported section 22, so amended, as to read as follows:

SEC. 22. No distinction shall ever be made by law between citizens and alien friends in reference to the possession, enjoyment or descent of property; and recommended its adoption.

The report was agreed to;

And section 22 was adopted, and reads as follows:

Sec. 22. No distinction shall ever be made by law between citizens and alien friends in reference to the possession, enjoyment or descent of property.

Mr. Stovall moved to adjourn;

Which was lost.

Section 23 was adopted, and reads as follows:

Sec. 23. No religious test as a qualification for office shall ever be required, and no preference shall ever be given by law to any religious sect or mode of worship, but the free enjoyment of all religious sentiments and the different modes of worship shall ever be held sacred; *Provided*, The rights hereby secured, shall not be construed to justify acts of licentiousness injurious to morals or dangerous to the peace and safety of the State.

Section 24 was adopted, and reads as follows;

Sec. 25. The right of all citizens to travel upon public conveyances shall not be infringed upon, nor in any manner abridgedin this State.

Section 25 was adopted, and reads as follows:

Sec. 25. The military shall be in strict subordination to the civil power.

Section 26 was adopted, and reads as follows:

Sec. 27. Treason against the State shall consist only in levying war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Section 27:

Mr. Castello moved to go into the Committee of the Whole;

Which was laid on the table.

Mr. F. Parsons moved to amend section 27, by striking out all after the word "dueling," in the second and third line.

Mr. Gibbs moved to adjourn;

Which was lost.

And under the operation of the previous question, moved by Mr. Hauser, was sustained,

The amendment of Mr. Parsons was lost;

And section 27 was lost; no quorum voting.

Convention adjourned to meet Monday morning, at 9 o'clock.

T. P. Sears,
*Secretary.*

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## ONE HUNDRED AND SECOND DAY.

Jackson, Miss., Monday, May 4th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Bridges, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Conley, Cunningham, Dowd, Fitzhugh, Gibbs, Handy, Hauser, Holland, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Lack, Lawson, Leas, Leonard, Mayson, Mask, Moore, Morgan, Myers, Mygatt, McKee, Newsom, Niles, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Powell, Quinn, Railsback, Richardson, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Warren, Weir, Williams, and Yeoman—57.

The following delegates were absent:

Messrs. Beam, Bonney, Brinson, Collins, Drane, Elliott John, Elliott Jas., Fawn, Field, Herbert, Howe, Jones, Kerr, Musgrove, Miles, McKnight, Neilson, Nelms, Peyton E. G., Rainey, Smith, Walker, and Woodmansee—23.

Journal of Saturday was read and approved.

Leaves of absence were granted to Mr. Drane, from day to day; to Mr. McKnight, one day; to Mr. Fawn, from day to day.

The rules were suspended to take up the order of the day.

The twenty-seventh section of the Bill of Rights was taken up.

And Mr. F. Parsons offered the following as a ryder:

Strike out all after the word "dueling," in second and third lines.

Which was adopted.

Mr. Castello offered the following as an amendment, by way of ryder:

And any person who shall hereafter fight a duel or assist in the same, as second, or send, accept, or knowingly carry a challenge therefor, or go out of the State to fight a duel, shall be disqualified from holding any office under this Constitution, and shall forever be disfranchised in this State.

Mr. F. Parsons moved the previous question,

Which was sustained;

And the ryder was adopted.

And the section was adopted as amended, and reads as follows:

Sec. 27. No person's life shall be periled by the practice of dueling, and any person who shall hereafter fight a duel, or assist in the same, as second, or send, accept, or knowingly carry a challenge therefor, or go out of the State to fight a duel, shall be disqualified from holding any office under this Constitution, and shall forever be disfranchised in this State.

Section 28 was adopted, and reads as follows:

Sec. 28. All courts shall be open, and every person, for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

Section 29 was adopted, and reads as follows:

Sec. 29. No person shall ever be elected or appointed to any office in this State for life or during good behavior, but the term of all offices shall be for some specified period.

Section 30 was adopted, and reads as follows:

Sec. 30. No person shall be debarred from prosecuting or defending any civil cause for or against him or herself, before any tribunal in this State, by him or herself, or counsel or both.

Section 31:

Mr. Alderson moved to strike out the "twentieth and twenty-first lines."

Mr. Hauser moved to table;

Which was carried.

Mr. Weir moved to strike out all after the word "peace," in the 17th line.

Mr. Castello moved to table;

Which was carried.

Mr. Hauser moved the previous question;

Which was sustained.

And section 31 was adopted, and reads as follows:

Sec. 31. No person, for any indictable offense, shall be proceeded against criminally by information, except in cases arising in the land or naval forces, or the militia when in actual service, or by leave of the court, for misdemeanor in office; *Provided*, That the Legislature in cases of petit larceny, assaults, assault and battery, affray, riot, unlawful assembly, drunkenness, vagrancy, and other misdemeanors of like character, may dispense with an inquest of a grand jury and may authorize prosecutions before Justices of the Peace, or such other inferior court or courts as may be established by the Legislature, and the proceedings in such cases shall be regulated by law.

Section 32 was adopted, and reads as follows:

Sec. 32. The enumeration of rights in this Constitution shall not be construed to deny or impair others retained by and inherent in the people.

The preamble was adopted, and reads as follows:

## PREAMBLE.

To the end that justice be established, public order maintained, and liberty perpetuated, we, the people of the State of Mississippi, grateful to Almighty God for the free exercise of the right to choose our own form of Government, do ordain this Constitution.

Mr. Alderson moved to reconsider the vote adopting section 27.

Mr. Castello moved to lay on the table;

Which was carried.

And the Bill of Rights was adopted as a whole, and referred to the committee on Enrollment.

Article II of the Constitution, Defining the Boundaries of the State, was read, and passed its first reading.

The rules were suspended, and the article put upon its second reading.

Mr. Morgan offered the following ryder:

The limits and boundaries of the State of Mississippi shall remain as now established by law;

Which was adopted.

And the section as amended, was adopted.

Mr. Clarke moved to suspend the rules and put the article on its third reading;

Which was carried.

And the article passed its third reading, and reads as follows:

## ARTICLE II.

The limits and boundaries of the State of Mississippi shall remain as now established by law.

And the article was referred to the committee on Enrollment.

Article III, Distribution of Powers, was read the first time.

Mr. Clarke moved to suspend the rules, and put the article on its second reading;

Which was carried.

Mr. Orr moved to strike out, and insert the following as article III:

## DISTRIBUTION OF POWERS.

SECTION 1. The Powers of Government of the State of Mississippi shall be divided into three distinct departments, and each of them confided to a separate magistracy, to wit: Those which are legislative to one, those which are judicial to another, and those which are executive to another.

SEC. 2. No person, or collection of persons, being of one of these departments, shall exercise any power belonging to either of the other, except in instances hereinafter expressly directed or permitted.

Mr. Hauser moved to table;

Which was lost.

Previous question called, and call sustained,

And the amendment, by way of ryder, offered by Mr. Orr, was adopted.

And article III was adopted as amended.

Rules suspended, and the article put upon its third reading, and passed.

The article reading as above, was refered to Committee on Enrollment.

The President appointed the following named delegates as a committee to investigate the amount paid into the State Treasury by the Sheriff of Noxubee county, in the way of warrants of this Convention, in liquidation of Convention taxes for said county, in accordance with a resolution offered by Mr. Railsback, on the 3d inst.

Messrs. Railsback, Niles, and Hutto.

Article IV of the Constitution coming up for final action, being Legislative Department,

Section 1 was adopted, and reads as follows:

Section 1. The Legislative power of this State shall be vested in the Legislature, which shall consist of a Senate and House of Representatives.

Section 2 was adopted, and reads as follows:

Sec. 2. The House of Representatives shall consist of members to be chosen every second year by the qualified electors of the several counties.

Section 3 was adopted, and reads as follows:

Sec. 3. No person shall be a member of the House of Representatives who shall not be an elector under this Constitution; and who shall not, at the time of his election, have an actual residence in the district he may be chosen to represent.

Section 4 was adpoted, and reads as follows:

Sec 4. The Senate shall consist of members to be chosen every four years by the qualified electors of the several districts.

Section 5 was adopted, and reads as follows:

Sec. 5. No person shall be a Senator who shall not have attained the age of twenty-five years, who shall not have been an inhabitant of the State one year, and who shall not have an actual residence in the district he may be chosen to represent.

Section 6:

Mr. Conley moved to go into Committee of the Whole, for the consideration of the same;

Which was lost.

By unanimous consent, the words " after first Monday," were inserted after " day," in the fifth line.

And section 6 was adopted as amended, and reads as follows:

Sec. 6. The political year shall begin on the first Monday of January, and the Legislature shall meet annually, on the first Tuesday after the first Monday in January, at the seat of government, unless sooner convened by the Governor, until altered by law.

Section 7 was adopted, and reads as follows:

Sec. 7. All general elections shall be by ballot, and shall commence and be holden every two years, on the first Tuesday after the first Monday in November, until altered by law; and the electors, in all cases, except in cases of treason, felony, and breach of the peace, shall be privileged from arrest during their attendance on elections, and in going to and returning therefrom.

Section 8:

Mr. Morgan moved to amend, by way of ryder:

Add, at end of section, the words "as shall be provided by law;

Which was carried.

And section 8 was adopted, as amended, by way of ryder, and reads as follows:

SEC. 8. Election for members of the Legislature shall be held in the several counties and districts, as shall be provided by law.

Section 9 was adopted, and reads as follows:

SEC. 9. The Governor shall issue writs of election to fill such vacancies as may occur in either house of the Legislature, and the persons thereupon chosen, shall hold their seats for the unexpired term.

Section 10:

Mr. Parsons, of Adams, offered the following, as an amendment, by way of ryder:

*Provided*, That this section shall not apply to Postmasters.

A motion to table was lost.

Under the operation of the previous question, moved by Mr. Hauser, and sustained, the ryder submitted by Mr. Parsons, was lost.

And section 10 was adopted, and reads as follows:

SEC. 10. No person holding any civil office of profit under this State, or the United States, shall, during his continuance in office, be a Senator or Representative.

Section 11 was adopted, and reads as follows:

SEC. 11. Each house shall appoint its own officers, and shall judge of the qualifications, returns, and election of its own members.

Section 12 was adopted, and reads as follows:

SEC. 12. The Senate shall choose a President *pro tempore*, to act in the absence or disability of the Lieutenant Governor.

Section 13 was adopted, and reads as follows:

SEC. 13. A majority of each house shall constitute a quorum to do business; but a less number may adjourn from day to day, and compel the attendance of absent members, in such manner, and under such penalties as each house shall provide.

Section 14 was adopted, and reads as follows:

SEC. 14. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Section 15 was adopted, and reads as follows:

SEC. 15. Each house may determine rules of its own proceedings, punish its members for disorderly behavior; and with the concurrence of two-thirds of the members present, expel a member; but no member shall be expelled a second time for the same offense. They shall each, from time to time, publish a journal of the proceedings, except such parts as may, in their opinion, require secresy, and the yeas and nays on any question shall be entered on the Journal, at the request of one tenth of the members present; *Provided*, That the yeas and nays shall always be entered on the Journal on the passage of a bill appropriating money.

Section 16 was adopted, and reads as follows:

SEC. 16. The doors of each house, when in session, or in Committee of the Whole, shall be kept open, except in cases which may require secrecy; and each house may punish, by fine and imprisonment, any person not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in their presence, or in any way disturb their deliberations during the session; but such imprisonment shall not extend beyond the final adjournment of that session.

Section 17:

Mr. Gibbs moved to go into Committee of the Whole for the further consideration of the section;

Which was carried.

And after certain action had therein, the committee rose, and through their chairman, reported section 17 so amended as to read as follows, and recommended its adoption.

Report received and adopted.

Section 17 reads as follows:

SEC. 17. No person liable for public moneys unaccounted for shall be eligible to a seat in either house of the Legislature, or to any office of profit or trust, until he shall have accounted for and paid over all sums for which he may have been liable.

Section 18:

Mr. Niles offered the following, by unanimous consent, as a substitute for section 18.

SEC. 18. No person shall be eligible to any office of profit or trust, nor shall he be permitted to exercise the right of suffrage within this State, who shall have been convicted of bribery, perjury, or other infamous crimes.

The substitute for the section as submitted, was adopted, and reads as above.

Section 19 was adopted, as reads as follows:

SEC. 19. Any person who shall have been convicted of giving or offering directly or indirectly, any bribe to procure his election or appointment, and any person who shall give or offer any bribe to procure the election or appointment of any person to office, shall, on conviction thereof, be disqualified from being an elector, or holding any office of profit or trust under the laws of this State.

Section 20 was adopted, and reads as follows:

SEC. 20. Senators and Representatives shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during the session of the Legislature, and for fifteen days before the commencement and after the termination of each session.

Section 21 was adopted, and reads as follows:

SEC. 21. The members of the Legislature shall severally receive from the public treasury compensation for their services, which may be increased or diminished; but no alteration of such compensation of members shall take effect during the session at which it is made.

Section 22 was adopted, and reads as follows:

SEC. 22. The Legislature shall direct by law in what courts and in what manner suits may be brought against the State.

Section 23, was adopted, and reads as follows:

SEC. 23. The Legislature shall not have power to pass any bill of divorce; but may prescribe by law the manner in which cases shall be investigated in the courts of justice, and divorces granted.

Section 24 was adopted, and reads as follows:

SEC. 24. Bills may originate in either house, and be amended or rejected in the other; and every bill shall be read on three different days, in each house, unless two-thirds of the house where the same is pending, shall dispense with the rules; and every bill having passed both houses, shall be signed by the President of the Senate and Speaker of the House of Representatives, in open session.

Section 25 was adopted, and reads as follows:

SEC. 25. Every bill which has possed both houses, shall be presented to the Governor of the State. If he approves, he shall sign it, but if he does not approve, he shall return it with his objections, to the house in which it originated, who shall enter the objections at large upon their Journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent with the objections, to the other House, by which, likewise, it shall be reconsidered, and if approved by two-thirds of that House, it shall become a law; but in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill, shall be entered on the Journal of each house respectively. If any bill shall not be returned by the Governor within five days (Sunday excepted), after it has been presented to him, it shall be a law in like manner as if he had signed it, unless the Legislature, by adjournment, prevented its return, in which case it shall be a law, unless sent back within three days after its next meeting.

Section 26 was adopted, and reads as follows:

SEC. 26. Every order, resolution, or vote, to which the concurrence of both houses may be necessary (except on questions of adjournment), shall be presented to the Governor, and before it shall take effect, be approved by him, or being disapproved, shall be repassed by two-thirds of both houses, according to the rules of limitation prescribed in all cases of a bill.

Section 27 was adopted, and reads as follows:

SEC. 27. No money shall be drawn from the Treasury except on appropriation made by law.

Mr. Gibbs moved to go into Committee of the Whole to consider section 28.

Mr. Clarke moved to table;

Which was lost.

And the motion of Mr. Gibbs was carried.

And after certain action had therein, the committee rose, and through their chairman, Mr. Orr, reported section 28 to the Convention as originally printed, and recommended its adoption.

Pending action upon the report, the Convention adjourned until 3 o'clock P. M.

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Bridges, Brinson, Caldwell, Clarke, Combash, Conley, Dowd, Gibbs, Hauser, Holland, Hutto, Jacobs, Johnson S., Lack, Lawson, Leas, Leonard, Mask, Moore, Morgan, McKee, Newsom, Niles, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Powell, Richardson, Stewart, Stiles, Stovall, Stringer, Stiles, Toy, Warren, Weir, Williams, and Yeoman—44.

The following delegates were absent:

Messrs. Beam, Chapman, Chappell, Collins, Cunningham, Dowd, Drane, Elliott John, Elliott James, Fawn, Field, Fitzhugh, Handy, Herbert, Howe, Jamison, Johnson A., Jones, Kerr, Mayson, Musgrove, Miles, Myers, Mygatt, McKnight, Neilson, Nelms, Orr, Peyton E. G., Quinn, Railsback, Rainey, Smith, Walker, and Woodmansee—35.

The consideration of section 28, pending on adjournment, was resumed.

Mr. F. Parsons moved to go into Committee of the Whole to consider section 28; which was lost.

Mr. Hauser moved the previous question,

Which was sustained;

And section 28 was adopted, by the following vote:

Yeas—Messrs. Alcorn, Ballard, Barry, Bonney, Bridges, Brinson, Caldwell, Clarke, Dowd, Hauser, Holland, Jacobs, Lack, Leonard, Mask, Moore, Morgan, Myers, Orr, Ozanne, Parsons J. R., Powell, Peyton E. A., Stewart, Stites, Stovall, Stringer, Toy, Warren, Weir, and Williams—31.

Nays—Messrs. Alderson, Castello, Conley, Gibbs, Hutto, Johnson S., Lawson, Leas, Newsom, Niles, Parsons F., Richardson, Stiles, and Yeoman—14.

Mr. Morgan moved to reconsider the vote just taken.

Mr. Weir moved to table; which was lost.

Mr. Parsons moved the previous question;

Which was sustained.

And under the operation thereof, the motion to reconsider was carried, by the following vote:

Yeas—Messrs. Alderson, Ballard, Bonney, Caldwell, Castello, Combash, Conley, Gibbs, Handy, Hauser, Holland, Hutto, Johnson S., Johnson A., Lawson, Leas, Leonard, Mask, Morgan, Myers, Newsom, Niles, Parsons F., Richardson, Stiles, Stovall, Stites, Toy, and Yeoman—30.

Nays—Messrs. Alcorn, Barry, Bridges, Brinson, Chapman, Dowd, Lack, Moore, Orr, Ozanne, Parsons J. R., Peyton E. A., Powell, Railsback, Stewart, Warren, Weir, and Williams—18.

Mr. Morgan moved to go into Committee of the Whole.

Mr. F. Parsons moved the previous question,

Which was sustained;

And the motion of Mr. Morgan was lost.

And section 28 was adopted, by the following vote:

YEAS—Messrs. Alcorn, Barry, Bonney, Bridges, Clarke, Dowd, Hauser, Holland, Lack, Mask, Moore, Myers, Orr, Ozanne, Peyton E. A., Parsons J. R., Powell, Railsback, Stewart, Stringer, Toy, Warren, Weir, and Williams—24.

NAYS—Messrs. Alderson, Brinson, Caldwell, Castello, Chapman, Conley, Gibbs, Hutto, Jacobs, Johnson S., Johnson A., Lawson, Leas, Leonard, Morgan, Newsom, Niles, Parsons F., Richardson, Stites, Stovall, Stiles, andYeoman—23.

And section 28 reads as follows:

SEC. 28. The House of Representatives shall have the sole power of impeachment, but two-thirds of all the members must concur therein. All impeachments shall be tried by the Senate, and when sitting for that purpose, the Senators shall be upon oath or affirmation to do justice according to law and evidence.

Section 29 was adopted, and reads as follows:

SEC. 29. The Governor and all other civil officers under this State, shall be liable to impeachment for treason, bribery, or any high crime or misdemeanor in office.

Section 30:

Mr. Niles moved to add by way of ryder, the word "present" after the word "Senators," in the 7th line;"

Which was carried.

And section 30 was adopted as amended, and reads as follows:

SEC. 30. When the Governor shall be tried, the Chief Justice of the Supreme Court shall preside, and no person shall be convicted without the concurrence of two-thirds of all the Senators present.

Section 31 was adopted, and reads as follows:

SEC. 31. Judgment in such cases shall not extend farther than removal from office, and disqualification to hold any office of honor, trust, or profit under this State; but the party convicted shall nevertheless be subject to indictment, trial, judgment, and punishment according to law.

Section 32 was adopted, and reads as follows:

SEC 32. For reasonable cause, which shall not be sufficient ground of impeachment, the Governor shall, on the joint address of two-thirds of each branch of the Legislature, remove from office, the Judges of the Supreme and inferior courts; *Provided*, The cause or causes of removal be spread on the Journal, and the party charged be notified of the same before the vote is finally taken and decided, and shall have an opportunity to be heard by himself or counsel, or both.

Section 33 was adopted, and reads as follows:

SEC. 33. The style of the laws of the State shall be, "Be it enacted by the Legislature of the State of Mississippi."

Section 34 was adopted, and reads as follows:

SEC. 34. The Legislature shall provide for the enumeration of the whole number of inhabitants, and of the qualified electors of the State, once in every ten years; and the first enumeration shall be ordered at the first meeting of the Legislature under this Constitution.

Section 35 was adopted, and reads as follows:

SEC. 35. The number of Representatives shall, at the several periods of making such enumeration, be apportioned among the several counties, or districts, according to the number of qualified electors in each, and shall not be less than one hundred, nor more than one hundred and twenty.

Section 36 was adopted, and reads as follows:

SEC. 36. The number of Senators shall, upon each enumeration made, be apportioned according to the number of qualified electors in the several districts, and shall never be less than one-fourth, nor more than one-third the whole number of Representatives.

Section 37 was adopted, and reads as follows:

SEC. 37. The Senators, on being convened, after the first election, shall be divided by lot from their respective Congressional Districts, into two classes, as nearly equal as can be, and the seats of the first class shall be vacated at the expiration of the second year.

Section 38 was adopted, and reads as follows:

SEC. 38. The Legislature shall provide for the organization of new counties; locating county seats, and changing county lines; but no county shall be organized, nor the lines of any county changed so as to include an area of less than four hundred, nor more than six hundred and twenty-five square miles.

Section 39 was adopted, and reads as follows:

SEC. 39. No Senator or Representative, during the term for which he was elected, shall be appointed to any office of profit under this State, which shall have been created, or the emoluments of which have been increased during the time such Senator or Representative was in office, except to such offices as may be filled by an election of the people.

Leaves of absence were granted to Mr. Howe for four days; to Mr. Lack for four days.

Mr. Stovall moved to adjourn;

Which was carried.

The Convention adjourned to meet to-morrow morning at 9 o'clock.

T. P. SEARS,
*Secretary.*

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## ONE HUNDRED AND THIRD DAY.

JACKSON, MISS., Tuesday, May 5th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Conley, Dowd, Drane, Fawn, Gibbs, Handy, Hauser, Holland, Hutto, Jacobs, Johnson S., Johnson A., Lawson, Leas, Leonard, Mayson, Mask, Moore, Morgan, Myers, Mygatt, McKee, Newsom, Niles, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Powell, Quinn, Railsback, Richardson, Stewart, Stiles, Stovall, Stringer, Stites, Toy, Warren, Weir, Williams, and Yeoman—56.

The following delegates were absent:

Messrs. Barry, Beam, Collins, Cunningham, Elliott John, Elliott James, Field, Fitzhugh, Herbert, Howe, Jamison, Jones, Kerr, Lack, Musgrove, Miles, McKnight, Neilson, Nelms, Peyton E. G., Rainey, Smith, Walker, and Woodmansee—24.

On motion, the reading of the Journal was dispensed with.

Leaves of absence were granted, to Mr. Cunningham for one day; to Mr. Musgrove from day to day; to Mr. McKnight for one day.

The following resolution was introduced by Mr. Stovall:

*Resolved*, That the Sergeant-at-Arms be required to furnish ice water for the use of this Convention from and after the passage of this resolution, until the same adjourns;

Which was adopted.

Mr. Clarke moved to suspend the rules and take up the regular order of the day;

Which was carried.

Mr. Chappell moved to reconsider sections 11 and 12 of Legislative Department;

Which was laid on the table.

Mr. E. A. Peyton moved to reconsider the vote adopting section 10.

Mr. Hauser moved the previous question,

Which was not sustained;

And the subject lies over.

Mr. Railsback moved to reconsider the vote adopting section 28;

Which was carried.

Mr. Railsback moved to go into Committee of the Whole for the further consideration of the same,

Which was carried;

And after certain action had therein, the committee rose and through their chairman, Mr. McKee, reported section 28 so amended as to read as follows:

SEC. 28. The House of Representatives shall have the sole power of impeachment, but two-thirds of all the members present must concur therein. All impeachments shall be tried by the Senate, and when sitting for that purpose, the Senators shall be upon oath or affirmation to do justice according to law and evidence;

And recommended its adoption.

Report received and adopted, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Ballard, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Clarke, Combash, Conley, Drane, Fawn, Fitzhugh, Gibbs, Handy, Hauser, Hutto, Jacobs, Johnson S., Johnson A., Lawson, Leas, Mask, Moore, Morgan, Mygatt, McKee, Newsom, Niles, Ozanne, Powell, Railsback, Richardson, Stewart, Stiles, Stovall, Stringer, Toy, Warren, Williams, and Yeoman—44.

Nays—Messrs. Barry, Dowd, Orr, Parsons J. R., Peyton E. A., and Weir—6.

Mr. Stringer moved to suspend the rules that a motion might be made to reconsider section 10;

Which was carried, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Brinson, Caldwell, Clarke, Combash, Drane, Fawn, Fitzhugh, Gibbs, Handy, Hauser, Jacobs, Johnson A., Lawson, Leas, Leonard, Mayson, Morgan, Myers, Mygatt, McKee, Newsom, Ozanne, Parsons J. R., Peyton E. A., Powell, Stewart, Stiles, Toy, Stringer, Stiles, Warren, Williams, Yeoman—35.

Nays—Messrs. Ballard, Bridges, Chappell, Conley, Dowd, Hutto, Johnson S., Mask, Orr, Railsback, Richardson, Stovall, Weir—13.

Mr. Stringer moved to reconsider the vote adopting section 10.

Mr. Castello moved the previous question;

Which was sustained;

And the motion to reconsider was carried, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Barry, Bonney, Caldwell, Brinson, Castello, Chappell, Clarke, Drane, Fawn, Fitzhugh, Hauser, Jacobs, Johnson A., Leas, Morgan, Myers, Mygatt, McKee, Newsom, Niles, Ozanne, Parsons J. R., Peyton E. A., Powell, Stewart, Stringer, Toy, Stiles, Stites, Warren, Williams, Yeoman—34.

Nays—Messrs. Ballard, Bridges, Conley, Dowd, Gibbs, Holland, Hutto, Johnson S., Lawson, Mayson, Mask, Moore, Orr, Railsback, Richardson, Stovall, and Weir—17.

Mr. Stiles moved to adopt the section.

Mr. Stringer offered the following by way of ryder:

*Provided,* That Revenue Collectors, Assessors, Notaries Public, Justices of the Peace, and Postmasters, shall not be affected by this section.

Mr. Ozanne moved to table;

Which was carried.

Mr. Alderson moved to indefinitely postpone the section.

Mr. Morgan moved to go into Committee of the Whole for the consideration of the section;

Which was lost.

Mr. Morgan offered the following, by way of ryder:

*Provided,* That officers of militia, members of Boards of County Police, Justices of the Peace, and Postmasters, shall be exempt from the operation of this section.

And under the operation of the previous question, moved by

Mr. Stringer, and sustained, the ryder was lost, and the section was lost.

Mr. Hauser moved the adoption of the article on the Legislative Department as a whole;

Which was carried.

Mr. Castello moved that it be referred to the committee on Enrollment;

Which was carried.

The Convention took up Article IV, of the Constitution, viz: The Executive, upon its final reading.

Mr. Alderson offered the following by way of ryder to section 1: Add in the fourth line after the word "years," the words "and shall not be eligible to a second term of four years."

Mr. Hauser moved to table;

Which was carried.

Mr. Castello moved the previous question,

Which was sustained;

And the section was adopted.

Mr. Morgan moved to reconsider;

Mr. Castello moved the previous question;

Which was sustained.

And the motion to reconsider was lost, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Barry, Bonney, Brinson, Caldwell, Conley, Drane, Fitzhugh, Holland, Hutto, Johnson S., Johnson A., Mask, Morgan, Myers, Mygatt, Orr, Peyton E. A., Richardson, Stewart, Stites, and Stovall—23.

Nays—Messrs. Ballard, Bridges, Castello, Clarke, Dowd, Fawn, Gibbs, Hauser, Jacobs, Lawson, Leas, Leonard, Mayson, Moore, McKee, Ozanne, Parsons F., Powell, Railsback, Stringer, Stiles, Toy, Warren, and Weir—24.

Section 1 was adopted, and reads as follows:

Section 1. The chief executive power of this State shall be vested in a Governor, who shall hold his office for four years.

Section 2 was adopted, and reads as follows:

Sec. 2. The Governor shall be elected by the qualified electors of the State. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives at the next ensuing session of the Legislature, during the first week of which session, the said Speaker shall open and publish them in presence of both houses of the Legislature. The person having the highest number of votes shall be Governor, but if two or more shall be equal and highest in votes, then one of them shall be chosen Governor by the joint ballot of both houses of the Legislature. Contested elections for Governor shall be determined by both houses of the Legislature in such manner as shall be prescribed by law.

Section 3 was adopted, and reads as follows:

Sec. 3. The Governor shall be at least thirty years of age, and shall have been a citizen of the United States twenty years;

shall have resided in this State two years next preceding the day of his election.

Section 4 was adopted, and reads as follows:

SEC. 4. He shall receive for his services such compensation as shall be provided by law.

Section 5 was adopted, and reads as follows:

SEC. 5. He shall be Commander-in-Chief of the Army and Navy of the State, and of the Militia, except when they shall be called into the service of the United States.

Section 6 was adopted, and reads as follows:

SEC. 6. He may require information, in writing, from the officers in the Executive Department, on any subject relating to the duties of their respective offices.

Section 7 was adopted, and reads as follows:

SEC. 7. He may, in cases of emergency, convene the Legislature at the seat of Government, or at a different place, if that shall have become dangerous from an enemy, or from disease; and in case of disagreement between the two houses with respect to time of adjournment, adjourn them to such time as he shall think proper, not beyond the day of the next stated meeting of the Legislature.

Section 8 was adopted, and reads as follows:

SEC. 8. He shall, from time to time, give the Legislature information of the state of the Government, and recommend to their consideration such measures as he may deem necessary and expedient.

Section 9 was adopted, and reads as follows:

SEC. 9. It shall be his duty to see that the laws are faithfully executed.

Section 10 was adopted, and reads as follows:

SEC. 10. In all criminal and penal cases, except in those of treason and impeachment, he shall have power to grant reprieves and pardons, and remit fines, and in cases of forfeiture to stay the collection until the end of the next session of the Legislature, and to remit forfeitures by and with the consent of the Senate. In cases of treason he shall have power to grant reprieves by and with the consent of the Senate, but may respite the sentence until the end of the next session of the Legislature.

Section 11 was adopted, and reads as follows:

SEC. 11. There shall be a seal of the State kept by the Governor, and used by him officially, and be called the Great Seal of the State of Mississippi.

Section 12 was adopted, and reads as follows:

SEC. 12. All commissions shall be in the name and by the authority of the State of Mississippi, be sealed with the Great Seal of State, and signed by the Governor, and be attested by the Secretary of State.

Section 13 was adopted, and reads as follows:

SEC. 13. All vacancies not provided for in this Constitution, shall be filled in such manner as the Legislature may prescribe.

Section 14 was adopted, and reads as follows:

Sec. 14. There shall be a Lieutenant Governor, who shall be elected at the same time, in the same manner, and for the same term, and shall possess the same qualifications as the Governor.

Section 15 was adopted, and reads as follows:

Sec. 15. He shall, by virtue of his office, be President of the Senate. In Committee of the Whole, he may debate on all questions, and when there is an equal division in the Senate, or on a joint vote of both Houses, he shall give the casting vote.

Section 16 was adopted, and reads as follows:

Sec. 16. He shall receive for his services such compensation as may be provided by law.

Section 17:

Mr. Morgan offered the following by way of ryder:

*Provided*, The Legislature shall have power in case of the death or resignation of the Governor, to order a new election.

Mr. Warren moved to table;

Which was carried.

And section 17 was adopted, and reads as follows:

Sec. 17. When the office of Governor shall become vacant by death or otherwise, the Lieutenant Governor shall possess the powers and discharge the duties of said office, and receive the same compensation as the Governor, during the remainder of the said term. When the Governor shall be absent from the State, or unable, from protracted illness, to perform the duties of his office, the Lieutenant Governor shall discharge the duties of said office, and receive said compensation until the Governor be able to resume his duties; but if, from disability, or otherwise, the Lieutenant Governor shall be incapable of performing said duties, or if he be absent from the State, the President of the Senate *pro tempore* shall act in his stead; but if there be no such President, or if he be disqualified by like disability, or be absent from the State, then the Speaker of the House of Representatives shall assume the office of Governor and perform said duties, and receive the same compensation as the Governor; and in case of the inability of the foregoing officers to discharge the duties of Governor, the Secretary of State shall convene the Senate to elect a President *pro tempore*.

Section 18 was adopted, and reads as follows:

Sec. 18. In case the election for Lieutenant Governor shall be contested, it shall be decided in the same manner as that of the Governor.

Section 19 was adopted, and reads as follows:

Sec. 19. The Secretary of State shall be elected by the qualified electors of the State; shall be at least twenty-five years of age and a citizen of the State one year next preceding the day of his election, and shall continue in office during the term of four years; he shall keep a correct register of all the official acts and proceedings of the Governor, and shall, when required, lay the same and all papers, minutes and vouchers relative thereto, before the Legislature, and shall perform such other duties as may be required of him by law.

Section 20 was adopted, and reads as follows:

SEC. 20. A State Treasurer, and Auditor of Public Accounts shall be elected by the qualified electors of the State, who shall hold their offices for the term of four years, unless sooner removed, and shall possess the same qualifications as the Secretary of State, and, together with the last named officer, shall receive such compensation as may be provided by law.

Section 21 was adopted, and reads as follows:

SEC. 21. A Sheriff, Coroner, Treasurer, Assessor, and Surveyor shall be elected in each county by the qualified electors thereof, who shall hold their offices for two years, unless sooner removed.

Section 22 was adopted, and reads as follows:

SEC. 22. All officers named in this article shall hold their offices during the term for which they were elected, unless removed by impeachment or otherwise, and until their successors shall be duly qualified to enter on the discharge of their separate duties.

Mr. Castello moved to adopt Article V, as a whole, and refer the same to committee on Enrollment.

Mr. Morgan moved to table; which was lost.

And the motion of Mr. Castello was carried.

Article VI, being the Judiciary, was taken up upon its final passage, and section 1 was adopted, and reads as follows:

SEC. 1. The judicial power of the State shall be vested in a Supreme Court, and such other courts of law and equity as are hereafter provided for in this Constitution.

Section 2:

Mr. Hauser moved to amend by way of ryder: Strike out all after the word "quorum," in the seventh line.

Mr. Railsback moved to table; which was carried.

Mr. Railsback moved to go into Committee of the Whole to consider section 2;

Which was carried;

And after certain action had therein, the committee rose, and through their chairman, Mr. Weir, reported no quorum.

The Convention adjourned to meet at 3 o'clock P. M.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Clarke, Conley, Dowd, Drane, Fawn, Gibbs, Hauser, Holland, Hutto, Jamison, Johnson S., Johnson A., Lawson, Leas, Leonard, Mayson, Mask, Moore, Morgan, Myers, Mygatt, McKee, Niles, Ozanne, Parsons F., Peyton E. A., Powell, Railsback, Richardson, Stewart, Stites, Stovall, Stringer, Toy, Warren, Williams, Yeoman—47.

The following delegates were absent:

Messrs. Ballard, Beam, Chappell, Collins, Combash, Cunningham, Elliott John, Elliott James, Field, Fitzhugh, Handy, Herbert, Howe, Jacobs, Jones, Kerr, Lack, Musgrove, Miles, McKnight, Neilson, Nelms, Newsom, Orr, Parsons J. R., Peyton E. G., Quinn, Rainey, Smith, Stiles, Walker, Weir, Woodmansee—33.

Mr. Alderson moved to go into a Committee of the Whole to take into consideration section 2, of the Judiciary.

Mr. Castello moved to table;

Which was carried.

Mr. McKee moved the previous question;

Which was sastained.

And section 2 was adopted, and reads as follows:

SEC. 2. The Supreme Court shall consist of three Judges, who shall be appointed by the Governor, by and with the advice and consent of the Senate, any two of whom, when convened, shall form a quorum. The Legislature shall divide the State into three Districts, and the Governor, by and with the advice and consent of the Senate, shall appoint one Judge for each district.

Section 3 was adopted, and reads as follows:

SEC. 3. The office of one of said Judges shall be vacated in three years, one in six years, and one in nine years, so that at the expiration of every three years one of said Judges shall be appointed as aforesaid. The term of office of the Judges of the Supreme Court shall be nine years.

Section 4 was adopted, and reads as follows:

SEC. 4. The Supreme Court shall have no jurisdiction but such as properly belongs to a Supreme Court.

Section 5 was adopted, and reads as follows:

SEC. 5. All vacancies which may occur in said court, from death, resignation, or removal, shall be filled by appointment, as aforesaid; *Provided, however*, That if a vacancy shall occur during the recess of the Legislature, the Governor shall appoint a successor, who shall hold his office until the next meeting of the Legislature.

Section 6:

Mr. Alderson moved to strike out all after the word "State," in the eighth line;

Which was carried.

And section 6 was adopted as amended, and reads as follows:

SEC. 6. No person shall be eligible to the office of Judge of the Supreme Court who shall not have attained the age of thirty years at the time of his appointment, and who shall not have been for two years immediately preceding, a citizen of the State.

Section 7 was adopted, and reads as follows:

SEC. 7. The Supreme Court shall be held twice in each year, at the seat of Government, at such times as the Legislature may prescribe.

Section 8 was adopted, and reads as follows:

SEC. 8. Immediately upon the first appointment of Judges, as aforesaid, the Governor, in the presence of, and with the assistance of the President of the Senate and Secretary of State, shall determine by lot, which of said Judges shall serve for the term of three years, and which shall serve for the term of six years, and which shall serve for the term of nine years; and it shall be the duty of the Governor to issue commissions accordingly.

Section 9 was adopted, and reads as follows:

SEC. 9. No Judge of said Court shall sit on the trial of any cause where the parties, or either of them, shall be connected with him by affinity or consanguinity, or where he may be interested in the same, except by the consent of the Judges and of the parties, and whenever a quorum of said Court are situated as aforesaid, the Governor of the State shall, in such cases, specially commission two or more men of law knowledge, for the determination thereof.

Section 10 was adopted, and reads as follows:

SEC. 10. The Judges of said Court shall receive for their services a compensation to be fixed by law, which shall not be diminished during their continuance in office.

Section 11 was adopted, and reads as follows:

SEC. 11. The Judges of the Circuit Court shall be appointed by the Governor, with the advice and consent of the Senate, and shall hold their office for the term of six years.

Section 12:

Mr Warren offered the following by way of ryder:

Strike out all after the word "State," in the seventh line;

Which was carried.

And section 12 was adopted as amended, and reads as follows:

SEC. 12. No person shall be eligible to the office of Judge of the Circuit Court who shall not, at the time of his appointment, have attained the age of twenty-six years, and shall have been two years a citizen of the State.

Section 13.

Mr. Hauser offered the following by way of ryder:

Strike out all after the word "districts," in the third line.

Mr. Castello moved the previous question;

Which was sustained.

And the motion of Mr. Hauser was carried.

And section 13 was adopted as amended, and reads as follows:

SEC. 13. The State shall be divided into convenient Judicial Districts.

Section 14 was adopted, and reads as follows:

SEC. 14. Circuit Courts shall have original jurisdiction in all matters, civil and criminal, within this State; but in civil cases only, when the principal of the amount in controversy exceeds one hundred and fifty dollars.

Section 15 was adopted, and reads as follows:

SEC. 15. A Circuit Court shall be held at least twice in each year, and the Judges of said Courts may interchange Circuits with each other, in such manner as may be prescribed by law, and shall receive for their services a compensation to be fixed by law, which shall not be diminished during their continuance in office.

Section 16 was adopted, and reads as follows:

Sec. 16. Chancery Courts shall be established in each county in the State, with full jurisdiction in all matters of equity, and of divorce and alimony; in matters testamentary, and of administration in minor's business, and allotment of dower, and in cases of idiocy, lunacy, and persons *non compos mentis*.

Section 17 was adopted, and reads as follows:

Sec. 17. The Legislature shall divide the State into a convenient number of Chancery Districts, to be composed of not more than four counties. Chancellors shall be appointed in the same manner as the Judges of the Circuit Courts. Their qualifications shall be regulated by law, and they shall hold their office for the term of four years. They shall hold a court in each county at least four times in each year, and shall receive such compensation as may be provided by law.

Section 18 was adopted, and reads as follows:

Sec. 18. The style of all process shall be "The State of Mississippi," and all prosecutions shall be carried on in the name and by the authority of "The State of Mississippi," and shall conclude "against the peace and dignity of the same."

Section 19 was adopted, and reads as follows:

Sec. 19. The Clerk of the Supreme Court shall be appointed by said court, for the term of four years; and the Clerk of the Circuit Court and the Clerk of the Chancery Court shall be elected by the qualified voters of their several counties, and shall hold their office for the term of four years; and the Legislature shall provide by law, what duties shall be performed by the Clerks of the Circuit and Chancery Courts during vacation, subject to the approval of the court.

Section 20:

Mr. McKee moved the previous question;

Which was sustained.

And section 20 was lost.

And section 21 was lost.

Section 22:

Mr. Castello moved to go into Committee of the Whole to consider the section;

Which was carried.

And after certain action had therein, the committee rose, and through their chairman, Mr. Alderson, reported section 22 so amended as to read as follows:

Sec. 22. Judges of the courts of this State, and all other civil officers, shall, by virtue of their office, be conservators of the peace, and shall be by law, vested with ample powers in that respect.

And recommend its passage.

Mr. Morgan moved to receive the report and adopt the same.

On a division of the question, the motion to receive was carried;

And so much as related to adopting the report was carried.

Section 23 was adopted, and reads as follows:

SEC. 23. A competent number of Justices of the Peace and Constables shall be chosen in each county, by the qualified electors thereof, by districts, who shall hold their office for the term of two years. The jurisdiction of Justice of the Peace shall be limited to causes in which the principal of the amount in controversy shall not exceed the sum of one hundred and fifty dollars. In all causes tried by a Justices of the Peace, the right of appeal shall be secured, under such rules and regulations as shall be prescribed by law.

Section 24 was adopted, and reads as follows:

SEC. 24. The Legislature shall from time to time, establish such other inferior courts as may be necessary, and abolish the same whenever they shall deem it expedient.

Section 25 was adopted, and reads as follows:

SEC. 25. There shall be an Attorney General elected by the qualified electors of the State, and a competent number of District Attorneys shall be elected by the qualified electors of the respective districts, whose term of service shall be four years, and whose duties and compensation shall be prescribed by law;

Section 26 was adopted, and reads as follows:

SEC. 26. The Legislature shall provide by law, for determining contested elections.

Section 27 was adopted, and reads as follows:

SEC. 27. Clerks, Sheriffs, and other county officers, for wilful neglect of duty or misdemeanor in office, shall be liable to presentment or indictment by a grand jury, and trial by petit jury, and upon conviction shall be removed from office.

Mr. Barry moved to transfer the twenty-sixth section of the Judiciary to the Legislative;

Which was carried.

Mr. Hauser moved to reconsider the vote upon sections 20 and 21 of the Judiciary;

Which was laid on the table.

Mr. Castello moved to adopt as a whole, Article VI being the Judiciary, and to refer to committee on Enrollment.

Mr. Morgan moved the previous question;

Which was sustained.

And the motion of Mr. Castello was carried.

The Convention proceeded to the consideration of Franchise, being Article VII of the Constitution, upon its final reading;

And section 1 was adopted, and reads as follows:

SECTION 1. All elections by the people shall be by ballot.

Section 2:

Mr. Conley moved to go into Committee of the Whole, for the consideration of the same.

Mr. Chappell moved to adjourn; which was carried.

The Convention adjourned to meet to-morrow morning at 9 o'clock.

T. P. SEARS,
*Secretary.*

## ONE HUNDRED AND FOURTH DAY.

JACKSON, MISS., Wednesday, May 6th, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Combash, Conley, Dowd, Drane, Fawn, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Holland, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Lawson, Leas, Leonard, Mayson, Mask, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Newsom, Niles, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Powell, Quinn, Railsback, Richardson, Stiles, Stovall, Stewart, Stringer, Stites, Toy, Warren, Woodmansee, Weir, Williams, and Yeoman-- 63.

The following delegates were absent:

Messrs. Collins, Cunningham, Elliott John, Elliott James, Field, Howe, Jones, Kerr, Lack, Musgrove, Miles, Neilson, Nelms, Peyton E. G., Rainey, Smith, Walker—17.

Upon motion, the reading of the Journal was dispensed with.

Leaves of absence were granted to Mr. Moore, until Monday next; to Mr. Combash, for two days, and to Mr. Cunningham from day to day.

Mr. Morgan moved to suspend the rules and take up order of the day;

Which was carried.

Mr. Hauser moved to reconsider the vote adopting the report of the Judiciary, and referring it to the committee on Enrollment.

Mr. Castello moved to table;

Which was lost.

Mr. F. Parsons moved the previous question;

Which was sustained.

And the motion of Mr. Hauser prevailed.

Mr. F. Parsons moved to go into Committee of the Whole, to consider the proposed additional section to the Judiciary; and moved the previous question;

Which was sustained;

And the motion to go into Committee of the Whole was carried;

And after certain action had therein, the committee rose, and through their chairman, Mr. Orr, reported the following:

SEC. 20. The qualified electors of each county shall elect three persons, by districts, for the term of two years, who shall constitute a Board of Supervisors for each county, a majority of whom may transact business; which body shall have full jurisdiction over roads, ferries and bridges, and perform such other duties as shall be provided by law, and shall order all county elections, to fill vacancies that may arise in the offices of their respective counties. The Clerk of the Chancery Court of each county shall be the Clerk of such Board of Supervisors.

Sec. 21. No person shall be eligible as a member of said Board who shall not have resided one year in the county, but this qualification shall not extend to such new counties as may hereafter be established until one year after their organization, and all vacancies that may occur in said Board shall be supplied by election as aforesaid, for the unexpired term.

And recommended the adoption of the report.

Mr. McKee moved to receive and adopt.

Mr. Morgan moved the previous question;

Which was sustained.

Mr. Ozanne moved to divide the question;

Which was lost.

And the report of the Committee of the Whole was adopted, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Barry, Bridges, Brinson, Chapman, Clarke, Conley, Fawn, Handy, Hauser, Herbert, Holland, Hutto, Jacobs, Jamison, Johnson S., Moore, Myers, Mygatt, McKee, Niles, Orr, Parsons F., Parsons J. R., Powell, Quinn, Richardson, Stewart, Stites, Stiles, Toy, Warren, Weir, Williams, and Yeoman—36.

Nays—Messrs. Ballard, Caldwell, Castello, Dowd, Fitzhugh, Gibbs, Johnson A., Mayson Morgan, McKnight, Ozanne, Peyton E. A., Railsback, and Stringer—14.

Mr. Warren moved to adopt the report as a whole, and refer to the committee on Enrollment, with directions to place the sections in their proper place in the article on Judiciary.

Mr. Alderson moved to reconsider the vote adopting the report of the Committee of the Whole;

Which was laid on the table.

And the motion of Mr. Warren was carried.

Mr. Ozanne moved to suspend the rules, and take up so much of the report of the committee on Contingent Expenses, presented last Saturday, as remains undisposed of;

Which was carried.

And the report was adopted, and warrants ordered to be drawn in payment thereof.

The following were the bills alluded to as presented by the Committee on Contingent Expenses, on the 2d of May, 1868:

*Mississippi Constitutional Convention,*
*To the Journal Office,* Dr.

| | |
|---|---|
| To 5,510 copies Daily State Journal for the month of April, @ 5 cents per copy | $275 50 |

I certify that the above account is correct, and that the papers charged for were received by me and distributed among the members of the Convention.

Nelson G. Gill,
*Sergeant-at-Arms.*

*The Constitutional Convention of the State of Mississippi,*
*To Jackson Gas Light Company,* Dr.

To Gas consumed during the month of April, A. D., 1868, 6,000 cubic feet @ $8 00 per thousand............$48 00

Canton, Miss., April 28th, 1868.

*Mississippi Constitutional Convention,*
*To George Moorman,* Dr.

To amount paid for printing official laws of the Convention, to assist in the collection of taxes, etc., 300 copies.... .........................................$18 00

Section 2 of the article on Franchise was taken up.

Mr. Gibbs moved to go into Committee of the Whole to consider the section;

Which was carried.

After certain action had therein, the committee rose, and reported section 2 back without amendment, and recommended its adoption.

Report of committee adopted, and the section reads as follows:

Sec. 2. All male inhabitants of this State, except idiots and insane persons, and Indians, not taxed, born in the United States, or naturalized, twenty-one years old and upwards, who have resided in this State six months, and in the county one month next preceding the day of election, at which said inhabitant offers to vote, and who are duly registered according to the requirements of section 3 of this article, and who are not disqualified by reason of any crime, are declared to be qualified electors.

Section 3 was adopted, and reads as follows:

Sec. 3. The Legislature shall provide by law for the registration of all persons entitled to vote at any election, and all persons entitled to register shall take and subscribe the following oath or affirmation: "I........ do solemnly swear, (or affirm), in the presence of Almighty God, that I am twenty-one years old; that I have resided in this State six months, and in .... county one month; that I wlll faithfully support and obey the Constitution and laws of the United States, and of the State of Mississippi, and will bear true faith and allegiance to the same; that I am not disfranchised in any of the provisions of the acts known as the Reconstruction Acts of the 39th and 40th Congress; and that I admit the political and civil equality of all men; so help me God;" *Provided*, That if Congress shall, at any time, remove the disabilities of any persons disfranchised in the said Reconstruction Acts of the said 36th and 40th Congress (and the Legislature of this State shall concur therein), then so much of this oath, and so much only, as refers to the said Reconstruction Acts, shall not be required of such person, so pardoned, to entitle him to be registered.

Section 4 was adopted, and reads as follows:

SEC. 4. No person shall be eligible to any office of profit or trust, or to any office in the militia of this State, who is not a qualified elector.

Section 5:

Mr. Warren moved to amend, by way of ryder:

Strike out the words, "by a vote of two-thirds of each house," in the 27th and 28th lines.

Mr. Morgan moved to go into Committee of the Whole, for the further consideration of the section.

And under the operation of the previous question, moved by Mr. Ozanne, and sustained, the motion of Mr. Morgan was lost.

Mr. Parsons of Adams, moved the previous question;

Which was not sustained, and the section lies over.

Mr. Morgan moved to suspend the rules, that the section may be taken up for further consideration;

Which was carried.

Mr. Gibbs moved the previous question;

Which was sustained.

And the amendment by way of ryder, offered by Mr. Warren, to strike out the words, "by a vote of two-thirds of each house," in the 27th and 28th lines, was adopted, by the following vote:

YEAS----Messrs. Alderson, Ballard, Beam, Bonney, Brinson, Caldwell, Castello, Chapman, Clarke, Conley, Dowd, Drane, Fawn, Fitzhugh, Holland, Hutto, Jacobs, Johnson S., Leas, Mayson, Mask, Myers, Mygatt, McKee, Niles, Orr, Parsons F., Parsons J. R., Railsback, Richardson, Stites, Stovall, Stiles, Toy, Warren, Williams, Yeoman—38.

NAYS— Messrs. Alcorn, Barry, Gibbs, Hauser, Herbert, Jamison, Johnson A., Lawson, Moore, Morgan, McKnight, Powell, Woodmansee—13.

And section 5 was adopted.

Mr. Barry moved to reconsider the vote just taken.

Mr. Parsons moved to table ;

Which was lost.

Pending further action on the same, Convention adjourned, to meet at 3 o'clock, P. M.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Conley, Dowd, Drane, Fawn, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Holland, Hutto, Jacobs, Johnson S., Johnson A., Lawson, Leas, Mayson, Mask, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Niles, Ozanne, Parsons F., Parsons J R., Powell, Railsback, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Warren, Weir, Woodmansee, and Yeoman—54.

The following delegates were absent:

Messrs. Collins, Combash, Cunningham, Elliott John, Elliott James, Field, Howe, Jamison, Jones, Kerr, Lack, Leonard, Musgrove, Miles, Neilson, Nelms, Newsom, Orr, Peyton E. A., Peyton E. G., Quinn, Rainey, Smith, Richardson, Smith, Walker, and Williams—27.

The motion to reconsider the vote adopting section 5 of Franchise, pending on adjournment, was called up;

And under the operation of the previous question, moved by Mr. F. Parsons, and sustained, the motion to reconsider was carried, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Barry, Bonney, Bridges, Brinson, Caldwell, Chapman, Chappell, Conley, Drane, Fitzhugh, Handy, Hauser, Herbert, Holland, Johnson A., Lawson, Leas, Moore, Morgan, Mygatt, McKnight, Niles, Orr, Ozanne, Powell, Stewart, Stites, Stringer, Williams, Woodmansee, and Yeoman—33.

Nays—Messrs. Ballard, Beam, Castello, Clarke, Dowd, Fawn, Gibbs, Hutto, Jacobs, Johnson S., Mayson, Mask, Myers, McKee, Parsons F., Parsons J. R., Railsback, Stovall, Stiles, Toy, Warren, and Weir—22.

Mr. Morgan moved to amend, by way of ryder, as follows:

Strike out all after the word "Convention," in the twenty-third line, to the word "out," in the twenty-sixth line.

Mr. Ozanne moved the previous question;

Which was not sustained.

And the subject lies over.

Mr. Morgan moved to suspend the rules, and continue the consideration of the fifth section.

Mr. Castello moved to table;

Which was lost.

And the motion to suspend the rules, was lost.

Mr. Castello moved to adjourn;

Which was lost.

Mr. Quinn was granted leave of absence for three days.

Mr. Morgan moved to suspend the rules, and take up section 5.

Mr. Castello moved to table;

Which was lost.

Mr. Chappell moved to adjourn; which was carried.

The Convention adjourned to meet to-morrow morning at 9 o'clock.

T. P. Sears,
*Secretary.*

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## ONE HUNDRED AND FIFTH DAY.

Jackson, Miss., Thursday, May 7th, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Conley, Cunningham, Dowd, Drane, Fawn, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Holland, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Lawson, Leas, Leonard, Mayson, Mask, Morgan, Myers, Mygatt, McKnight, Miles, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Powell, Railsback, Richardson, Stewart, Stiles, Stovall, Stringer, Stites, Toy, Warren, Weir, Williams, Woodmansee, and Yeoman—59.

The following delegates were absent:

Messrs. Collins, Combash, Elliott, John, Elliott James, Field, Howe, Jones, Kerr, Lack, Musgrove, Miles, McKee, Moore, Neilson, Nelms, Newsom, Peyton E. G., Quinn, Rainey, Smith, and Walker—21.

Upon motion, the reading of the Journal was dispensed with.

Leave of absence was granted to Mr. McKee, for three days.

Mr. Gibbs, of Wilkinson, moved to reconsider the vote allowing the account of George Moorman, Sheriff of Madison county, for expenses incurred in collection of Convention tax,

Mr. Cunningham, of Madison, moved to lay the motion on the table;

Which was lost.

And the motion of Mr. Gibbs prevailed.

The Committee on the Removal of Political disabilities presented the following report:

*To the President and Members of Constitutional Convention:*

The Committee on the Removal of Political Disabilities, would respectfully recommend that the names of the following persons be added to the list previously reported to the Convention for favorable consideration.

H. W. Warren, *Chairman.*
U. Ozanne,
H. W. Barry,
Wm. Yeoman,
*Committee.*

| | |
|---|---|
| J. Moore McCalla | Tishomingo county. |
| Thomas P. Young | Tishomingo county. |
| Robert Davenport | Tishomingo county. |
| William A. Taylor | Tishomingo county. |
| Sam. Young | Attala county. |
| Joseph Wise | Attala county. |
| Samuel Munson | Attala county. |
| John K. Oliver | Panola county. |
| J. F. Simmons | Panola county. |
| B. F. Jones | Carroll county. |

Report received.

Mr. Morgan moved to suspend the rules and take up the order of the day;

Which was carried.

Mr. Alderson moved to go into Committee of the Whole, to consider the 5th section;

Which was laid on the table.

And the ryder offered by Mr. Morgan, on yesterday, was lost, by the following vote:

YEAS—Messrs. Barry, Bonney, Bridges, Brinson, Caldwell, Chapman, Drane, Fawn, Fitzhugh, Handy, Hauser, Herbert, Holland, Johnson A., Lawson, Leonard, Morgan, Mygatt, McKnight, Ozanne, Powell, Stewart, Stites, Stringer, Weir, Williams, Woodmansee, and Yeoman—28.

NAYS—Messrs. Alderson, Alcorn, Ballard, Beam, Castello, Chappell, Clarke, Conley, Cunningham, Dowd, Gibbs, Hutto, Jacobs, Jamison, Johnson S., Leas, Mayson, Mask, Myers, Niles, Parsons F., Parsons J. R., Peyton E. A., Railsback, Richardson, Stovall, Stiles, Toy, and Warren—29.

Mr. E. A. Peyton moved to reconsider.

A motion to lay on the table was carried, by the following vote:

YEAS Messrs. Alderson, Barry, Beam, Bridges, Castello, Chappell, Clarke, Conley, Cunningham, Dowd, Drane, Gibbs, Holland, Hutto, Jacobs, Jamison, Johnson S., Leas, Mayson, Mask, Mygatt, Niles, Parsons F., Parsons J. R., Railsback, Richardson, Stites, Stovall, Stringer, Stiles, Toy, Warren—32.

NAYS—Messrs. Alcorn, Barry, Bonney, Brinson, Caldwell, Chapman, Fitzhugh, Handy, Hauser, Herbert, Johnson A., Lawson, Leonard, Morgan, Myers, McKnight, Ozanne, Peyton E. A., Powell, Stewart, Weir, Williams, Woodmansee, and Yeoman—24.

The following was inserted by unanimous consent:

After the word "Convention," in the twenty-third line, insert the following words, "or who have continuously advocated the assembling of this Convention, and shall continuously and in good faith, advocate the acts of the same," and the words "and shall continuously and in good faith advocate the acts of the same," were stricken out;

And section 5 was adopted as amended, and reads as follows:

SEC. 5. No person shall be eligible to any office of profit or trust, civil or military, in this State, who, as a member of the Legislature, voted for the call of the Convention that passed the Ordinance of Secession, or who, as a delegate to any Convention, voted for or signed any ordinance of secession, or who gave voluntary aid, countenance, counsel or encouragement to persons engaged in armed hostility to the United States, or who accepted or attempted to exercise the functions of any office, civil or military, under any authority or pretended government authority, power, or Constitution, within the United States, hostile or inimical thereto, except all persons who aided reconstruction by voting for this Convention; or who have continuously advocated the assembling of this Convention, and shall continuously and in good faith advocate the acts of the same; but the Legislature may remove such disability; *Provided*, That nothing in this section, except voting for or signing the Ordinance of Secession shall be so construed as to exclude from office the private soldier of the late so-called Confederate States army.

Section 6 was adopted, and reads as follows:

SEC. 6. In time of war, insurrection or rebellion, the right to vote at such place, and in such manner as shall be prescribed by law, shall be enjoyed by all persons otherwise entitled thereto, who may be in the actual military or naval service of the United States or this State; *Provided*, Said votes be made to apply in the county or precint wherein they reside.

Mr. Parsons, of Adams, moved to adopt Article VII as a whole, being Franchise, and refer to Committee on Enrollment;

Which was carried.

Mr. Orr moved to suspend the rules to enable him to introduce the following ordinance;

Which was carried.

AN ORDINANCE SUPPLEMENTARY TO AN ORDINANCE, PROVIDING FOR THE LEVY AND COLLECTION OF A TAX UPON THE REAL AND MOVABLE PROPERTY IN THE STATE OF MISSISSIPPI, ADOPTED IN CONVENTION, FEBRUARY 27TH, 1868.

SECTION 1. *Be it ordained by the people of the State of Mississippi, in Convention assembled*, That it shall be duty of the several Sheriffs and Tax Collectors of the counties in this State to proceed forthwith to collect all taxes levied by the ordinance to which this is supplementary, and in accordance with the provisions therein contained, and it shall be the duty of said Sheriffs and Tax Collectors, to make a final settlement with the State Treasurer on or before the 15th day of June, 1868.

SEC. 2. *Be it further ordained*, That this ordinance shall be in full force and effect from and after its adoption in Convention, and that all ordinances or parts of ordinances conflicting with this be, and the same are hereby repealed.

The ordinance passed its first reading.

Under a further suspension of the rules, the ordinance passed its second and third readings.

Mr. Morgan moved to suspend the rules to enable him to introduce a resolution.

Mr. Herbert moved to table;

Which was carried.

Article VIII of the Constitution was taken up for consideration, being School Funds, Education, and Science.

And section 1 was adopted, and reads as follows:

SECTION 1. As the stability of a Republican form of government depends mainly upon the intelligence and virtue of the people, it shall be the duty of the Legislature to encourage, by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvement, by establishing a uniform system ot free public schools, by taxation or otherwise, for all children between the ages of (5) five and (21) twenty-one years, and shall, as soon as practicable, establish schools of higher grade.

Section 2 was adopted, and reads as follows:

SEC. 2. There shall be a Superintendent of Public Education elected at the same time and in the same manner as the Governor, who shall have the qualification of the Secretary of State, and hold his office for four years, and until his successor shall be elected and qualified, whose duties shall be the general supervision of the common schools and the educational interests of the State, and who shall perform such other duties pertaining to his office, and receive such compensation as shall be prescribed by law; he shall report to the Legislature, for its adoption, within twenty days after the opening of its first session under this Constitution, a uniform system of free public schools.

Section 3 was adopted, and reads as follows:

SEC. 3. There shall be a Board of Education, consisting of the Secretary of State, the Attorney General, and the Superintendent of Public Education, for the management and investment of the school funds, under the general direction of the Legislature, and to perform such other duties as may be prescribed by law. The Superintendent and one other of said board shall constitute a quorum.

Section 4 was adopted, and reads as follows:

SEC. 4. There shall be a Superintendent of Public Education for each county, who shall be appointed by the Board of Education, by and with the advice and consent of the Senate, whose term of office shall be two years, and whose compensation and duties shall be prescribed by law; *Provided*, That the Legislature shall have power to make said office of County School Superintendent of the several counties elective, as other county officers are.

Section 5:

Mr. Jacobs offered the following, by way of ryder:

*Provided*, This section shall not be construed as to make any distinction between citizens without their consent;

Which was laid on the table.

And section 5 was adopted, and reads as follows:

SEC. 5. A public school or schools shall be maintained in each school district at least four months in each year. Any school district neglecting to maintain such school or schools shall be deprived for that year of its proportion of the income of the free school fund and of all funds arising from taxes for the support of schools.

Section 6 was adopted, and reads as follows:

SEC. 6. There shall be established a common school fund which shall consist of the proceeds of the lands now belonging to the State, heretofore granted by the United States, and of the lands known as "swamp lands," except the swamp lands lying and situated on Pearl river, in the counties of Hancock, Marion, Lawrence, Simpson, and Copiah, and of all lands now or hereafter vested in the State by escheat, or purchase, or forfeiture for taxes, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, and all moneys received for licenses granted under the general laws of the State, for the sale of intoxicating liquor, or keeping of dram shops, all moneys paid as an equivalent for persons exempt from military duty, and the funds arising from the consolidation of the Congressional township funds, and the lands belonging thereto, together with all moneys donated to the State for school purposes, which funds shall be securely invested in United States bonds, and remain a perpetual fund, which may be increased, but not diminished, the interest of which shall be inviolably appropriated for the support of free schools.

Section 7 was adopted, and reads as follows:

Sec. 7. The Legislature may levy a poll tax not to exceed two dollars a head, in aid of the school fund, and for no other purpose.

Section 8 was adopted, and reads as follows:

Sec. 8. The Legislature shall, as soon as practicable, provide for the establishment of an Agricultural College or Colleges, and shall appropriate the two hundred and ten thousand acres of land donated to the State for the support of such a college by the act of Congress passed July 2, A. D. 1865, or the money or scrip, as the case may be, arising from the sale of said lands or any lands which may hereafter be granted, or appropriated for such purpose.

Section 9 was adopted, and reads as follows:

Sec. 9. No religious sect or sects shall ever control any part of the school or university funds of this State.

Section 10:

Mr. Morgan moved to amend by way of ryder, as follows:

Add to the end of the section the words: "And all school funds shall be divided *pro rata* among the children of school age;"

Which was adopted.

Mr. Alderson moved to reconsider the vote adopting the ryder of Mr. Morgan;

Which was lost.

And section 10 was adopted as amended, and reads as follows:

Sec. 10. The Legislature shall, from time to time, as may be necessary, provide for the levy and collection of such other taxes as may be required to properly support the system of free schools herein adopted. And all school funds shall be divided *pro rata* among the children of school age.

Mr. Alderson moved to reconsider the vote adopting section 9.

Mr. Castello moved to lay on the table;

Which was carried.

Mr. Castello, of Adams, moved to adopt Article VIII, of the Constitution, as a whole—being School Funds, Education, and Science—and refer the same to the committee on Enrollment;

Which was carried.

Mr. Orr, of Harrison, moved to suspend the rules to enable him to introduce a resolution;

Which was carried.

And Mr. Orr introduced the following:

*Resolved*, That 300 copies of the ordinance supplementary to an ordinance providing for the levy and collection of a tax to defray the expenses of this Convention, be printed and furnished to the State Auditor for distribution among the Sheriffs and Tax Collectors of the several counties of this State.

Which was adopted.

Article IX of the Constitution was taken up for consideration, being the Militia.

Section 1:

Mr. Castello offered the following, by way of ryder:

*Provided*, That only loyal men, and honorably discharged soldiers who have served faithfully in the United States army during the late rebellion, shall have the right and privilege of organizing themselves into volunteer companies and regiments;

Which was lost.

Section 1 was adopted, and reads as follows:

SECTION 1. All able bodied male citizens of this State, between the ages of eighteen (18) and forty-five (45) years, shall be liable to military duty in the militia of this State, in such manner as the Legislature shall provide, not incompatible with this Constitution, and the Constitution and laws of the United States.

Section 2 was adopted, and reads as follows:

SEC. 2. The Legislature shall provide for the organizing, arming, equipping and discipline of the militia, and for paying the same when called into active service.

Section 3 was adopted, and reads as follows:

SEC. 3. It shall be the duty of the first Legislatnre to make such laws as shall be necessary to immediately create an effective militia in this State.

Section 4 was adopted, and reads as follows:

SEC. 4. All officers of militia, except non-commissioned officers, shall be appointed by the Governor, by and with the consent of the Senate, and shall be chosen for their military knowledge, experience in arms, and their fidelity and loyalty; and no commissioned officer shall be removed from office except by the Senate on recommendation of the Governor, stating the grounds on which such removal is recommended, or by the decision of a court martial, pursuant to law, or at his own request.

Section 5 was adopted, and reads as follows:

SEC. 5. The Governor shall be Commander-in-Chief of the militia, except when it is called into the service of the United States, and shall have power to call forth the militia to execute the laws, repel invasion, and to suppress riots and insurrections.

Section 6 was adopted, and reads as follows:

Sec. 6. The Governor shall nominate, and by and with the consent of the Senate, commission one Major General for the State, who shall be a citizen thereof, and also one Brigadier General for each Congressional District, who shall be a resident of the district for which he shall be appointed, and each district shall constitute a militia division.

Section 7:

By unanimous consent, the word "service" was stricken out, and the word "office" inserted.

And section 7 was adopted as amended, and reads as follows:

Sec. 7. The Adjutant General, and other staff officers to the Commander-in-Chief, shall be appointed by the Governor, and their appointment shall expire with the Governor's term of office.

Section 8 was adopted, and reads as follows:

Sec. 8. The militia shall be exempt from arrest during their attendance on musters, and in going to and returning from the same, except in case of trsason, felony, or breach of the peace.

And Article IX of the Constitution was adopted as a whole, and referred to the committee on Enrollment.

Article X of the Constitution, being Internal Improvements, was taken up.

Mr. Alderson moved to go into Committee of the Whole for the consideration of the same;

Which was lost.

Mr. Morgan moved to go into Committee of the Whole for the consideration of Article X of the Constitution;

Which was carried.

And after certain action had therein, the committee rose, and through their chairman, Mr. Cunningham, reported the following as Article X of the Constitution, and recommended its adoption.

Report received and adopted.

And the article was adopted, and reads as follows:

## ARTICLE X.

The Legislature, at its first regular session after the adoption of this Constitution, shall provide for the organization of a Board of Public Works, prescribe its duties, fix the compensation of its members, and all officers employed upon public works in this State.

A motion to adjourn was lost.

Mr. Barry moved to refer Article X of the Constitution, as adopted, to the committee on Enrollment;

Which was carried.

Convention adjourned, to meet at 3 o'clock, P. M.

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Ballard, Barry, Beam, Bonney, Bridges, Caldwell, Castello, Chapman, Clarke, Conley, Cunningham, Dowd, Drane, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Holland, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Lawson, Leas, Leonard, Mask, Morgan, Myers, Mygatt, McKnight, Niles, Ozanne, Parsons F., Peyton E. A., Powell, Railsback, Richardson, Stewart, Stites, Stovall, Stringer, Stiles, Warren, Williams, Woodmansee, and Yeoman—50.

The following delegates were absent:

Messrs. Alcorn, Brinson, Chappell, Collins, Combash, Elliott John, Elliott James, Fawn, Field, Howe, Jones, Kerr, Lack, Mayson, Musgrove, Miles, Moore, McKee, Neilson, Nelms, Newsom, Orr, Parsons J. R., Peyton E. G., Quinn, Rainey, Smith, Toy, Walker, and Weir—30.

By unanimous consent, section 20, of Article VI, of the Constitution, was so changed as to read as follows:

Sec. 20. The qualified electors of each county shall elect five persons, by districts, for the term of two years, who shall constitute a Board of Supervisors for each county, a majority of whom may transact business; which body shall have full jurisdiction over roads, ferries, and bridges, and perform such other duties as shall be provided by law, and shall order all county elections to fill vacancies that may arise in the offices of their respective counties. The Clerk of the Chancery Court of each county shall be the clerk of such Board of Supervisors.

The section relating to slaves and slave hire, introduced by Mr. Castello, was taken up for consideration.

Mr. Weir offered the following amendment:

And that all laws enacted, and all acts done by officers sworn to support the government of the so-called Confederate States, and the Constitution of Mississippi amended to conform to the provisions of said so-called Confederate States Constitution, be, and the same are hereby declared to be null and void, except the solemnization of the bonds of matrimony, and the acknowledgment and recording of deeds conveying real estate for and in consideration of *bona fide* contracts, fairly entered into for a fair and valuable compensation, made in good faith; and the acts and obligations of administrators and guardians, done in accordance with the laws of the State prior to the passage of the Ordinance of Secession, in the management of the estates of decedents and the property of minors. And that all judgments, decrees, and decisions of any and every Judge of any court of record, and all and every judgment of any Mayor of any city, town, or corporation, or Justice of the Peace, and each and every execution, order, or *fi. fa.*, of whatever nature, rendered by, or issued under and by said judicial officers acting under and by authority of the aforesaid Constitutions and laws of said so-called government, are hereby declared to be null and void. Also, all acts of each and every Marshal, Sheriff, Constable, or their deputies, and all findings and verdicts of any grand or petit juries, acting under oaths of allegiance to said so-called Confederate Government, from the first day of March, A. D. 1861, to the twentieth day of May, A. D. 1865.

Mr. Cunningham moved to table;

Which was carried.

Mr. Ozanne moved the previous question,

Which was not sustained;

And the section lies over.

Mr. Gibbs moved to suspend the rules, and proceed to the further consideration of the section.

Mr. Ozanne moved to table;

Which was lost.

And the motion to suspend the rules was lost.

Article XI—Apportionment:

Mr. Gibbs moved to go into Committee of the Whole, to take action upon Article XI;

Which was carried.

And after certain action had therein, the committee rose, and through their chairman, Mr. Orr, reported the title of Article XI, changed from Miscellaneous to Apportionment.

And sections 4 and 5 so amended as to read as follows:

4th. The counties of Attala, Chickasaw, Choctaw, Claiborne, Copiah, Jefferson, Lafayette, Lauderdale, Pontotoc, Oktibbeha, Panola, Tippah, Wilkinson, Yalobusha, Tishomingo, and Rankin, each two Representatives.

5th. The counties of Amite, Bolivar, Calhoun, Clarke, Franklin, Issaquena, Itawamba, Jasper, Kemper, Lawrence, Leake, Lee, Pike, Sunflower, Scott, Tallahatchie, Winston, Simpson, Coahoma, Tunica, Newton, Neshoba, Covington, Smith, Wayne, Davis, Greene, Jackson, Hancock, Marion, Harrison, and Perry, each one Representative.

Report received, and adopted.

Section 1 was adopted, and reads as follows:

Section 1. Until the first enumeration and a new apportionment shall be made as provided and directed in this Constitution, the apportionment of Senators and Representatives among the several counties and districts in this State shall be as follows:

Paragraph 1 of section 1 was adopted, and reads as lollows:

1st. The county of Warren, five Representatives.

Paragraph 2 of section 1 was adopted, and reads as follows:

2d. The counties of Hinds and Lowndes, each, four Representatives.

Paragraph 3 of section 1 was adopted, and reads as follows:

3d. The counties of Adams, Carroll, DeSoto, Holmes, Madison, Marshall, Monroe, Noxubee, Washington, and Yazoo, each three Representatives.

Paragraph 4 of section 1 was adopted, and reads as follows:

4th. The counties of Attala, Chickasaw, Choctaw, Claiborne, Copiah, Jefferson, Lafayette, Lauderdale, Pontotoc, Oktibbeha, Panola, Tippah, Wilkinson, Yalobusha, Tishomingo, and Rankin, each, two Representatives.

Paragraph 5 of section 1 was adopted, and reads as follows:

5th. The counties of Amite, Bolivar, Calhoun, Clarke, Franklin, Issaquena, Itawamba, Jasper, Kemper, Lawrence, Leake, Lee, Pike, Sunflower, Scott, Tallahatchie, Winston, Simpson, Coahoma, Tunica, Newton, Neshoba, Covington, Smith, Wayne, Davis, Greene, Jackson, Hancock, Marion, Harrison, and Perry, each, one Representative.

SEC. 2—SENATE.

Paragraph 1 of section 2 was adopted, and reads as follows:

1st. The counties of Hancock, Harrison, Jackson, Marion, Greene, and Perry, shall form the First District, and elect one Senator.

Paragraph 2 of section 2 was adopted, and reads as follows:

2d. The counties of Wilkinson and Amite, the Second District, and one Senator.

Paragraph 3 of section 2 was adopted, and reads as follows:

3d. The counties of Pike, Lawrence, and Covington, the Third District, and one Senator.

Paragraph 4 of section 2 was adopted, and reads as follows:

4th. The county of Adams, the Fourth District, and one Senator.

Paragraph 5, section 2, was adopted, and reads as follows:

5th. The counties of Franklin, and Jefferson, the Fifth District, ane one Senator.

Paragraph 6, section 2, was adopted, and reads as follows:

6th. The counties of Claiborne and Copiah, the Sixth District, and one Senator.

Paragraph 7, section 2, was adopted, and reads as follows:

7th. The counties of Warren and Issaquena, the Seventh District, and two Senators.

Paragraph 8, section 2, was adopted, and reads as follows:

8th. The counties of Hinds, Rankin, and Simpson, the Eighth District, and two Senators.

Paragraph 9, section 2, was adopted, and reads as follows:

9th. The counties of Davis, Jasper, Clarke, and Wayne, the Ninth District, and one Senator.

Paragraph 10, section 2, was adopted, and reads as follows:

10th. The counties of Lauderdale and Kemper, the Tenth District, and one Senator.

Paragraph 11, section 2, was adopted, and reads as follows:

11th. The counties of Newton, Smith, and Scott, the Eleventh District, and one Senator.

Paragraph 12, section 2, was adopted, and reads as follows:

12th. The county of Madison, the Twelfth District, and one Senator.

Paragraph 13, section 2, was adopted, and reads as follows:

13th. The county of Yazoo, the Thirteenth District, and one Senator.

Paragraph 14, section 2, was adopted, and reads as follows:

14th. The counties of Washington and Sunflower, the Fourteenth District, and one Senator.

Paragraph 15, section 2, was adopted, and reads as follows:

15th. The county of Holmes, the Fifteenth District, and one Senator.

Paragraph 16, section 2, was adopted, and reads as follows:

16th. The counties of Attala, Leake, and Neshoba, the Sixteenth District, and one Senator.

Paragraph 17, section 2, was adopted, and reads as follows:

17th. The county of Noxubee, the Seventeenth District, and one Senator.

Paragraph 18, section 2, was adopted, and reads as follows:

18th. The counties of Lowndes and Oktibbeha, the Eighteenth District, and two Senators.

Paragraph 19, section 2, was adopted, and reads as follows:

19th. The counties of Choctaw and Winston, the Nineteenth District, and one Senator.

Paragraph 20, section 2, was adopted, and reads as follows:

20th. The county of Carroll, the Twentieth District, and one Senator.

Paragraph 21, section 2, was adopted, and reads as follows:

21st. The counties of Calhoun and Yalobusha, the Twenty-first District, and one Senator.

Paragraph 22:

Mr. Railsback moved to amend by way of ryder. Add after the word "Senators," the words "one from each county;"

Which was lost.

And paragraph 22 was adopted, and reads as follews:

22d. The counties of Chickasaw and Monroe, the Twenty-second District, and two Senators.

Paragraph 23 was adopted, and reads as follows:

23d. The counties of Bolivar, Coahoma, and Tunica, the Twenty-third District, and one Senator.

Paragraph 24 was adopted, and reads as follows:

24th. The counties of Panola and Tallahatchie, the Twenty-fourth District, and one Senator.

Paragraph 25 was adopted, and reads as follows:

25th. The county of DeSoto, the Twenty-fifth District, and one Senator.

Paragraph 26 was adopted, and reads as follows:

26th. The county of Marshall, the Twenty-sixth District, and one Senator.

Paragraph 27 was adopted, and reads as follows:

27th. The counties of Lafayette and Pontotoc, the Twenty-seventh District, and one Senator.

Paragraph 28 was adopted, and reads as follows:

28th. The counties of Tishomingo and Itawamba, the Twenty-eighth District, and one Senator.

Paragraph 29 was adopted, and reads as follows:

29th. The counties of Tippah and Lee, the Twenty-ninth District, and one Senator.

Mr. Ozanne moved to adopt as a whole, Article XI of the

Constitution, being Apportionment, and refer to Committee on Enrollment;

Which was carried.

The ordinance relating to illegal tax sales was taken up and put upon its second reading.

Mr. Morgan moved to indefinitely postpone the further consideration of the same.

Mr. Orr moved to lay on the table;

Which was lost.

Pending further action on the subject, the Convention adjourned to meet to-morrow morning at 9 o'clock.

T. P. Sears,
*Secretary.*

## ONE HUNDRED AND SIXTH DAY.

Jackson, Miss., Friday, May 8th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Bonney, Bridges, Brinson, Caldwell, Castello, Chappell, Clarke, Combash, Conley, Cunningham, Dowd, Drane, Fawn, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Holland, Hutto, Jamison, Johnson S., Johnson A., Lawson, Leas, Leonard, Mayson, Mask, Morgan, Myers, Mygatt, McKnight, Newsom, Niles, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Powell, Railsback, Richardson, Stewart, Stovall, Stringer, Stiles, Toy, Warren, Weir, Williams, Woodmansee, and Yeoman—56.

The following delegates were absent:

Messrs. Barry, Beam, Chapman, Collins, Elliott John, Elliott James, Field, Howe, Jacobs, Jones, Kerr, Lack, Musgrove, Miles, Moore, McKee, Neilson, Nelms, Peyton E. G., Quinn, Rainey, Smith, Stites, and Walker—24.

On motion, the reading of the Journal was dispensed with.

Leave of absence was granted Mr. Barry for three days.

The following was presented as a report of the committee on Removal of the Capitol:

*To the President and Members of Constitutional Convention:*

Your committee on the Removal of the State Capitol would beg leave to report the following, which they ask to be made part of the Constitution as section — of Article II, Legislative Department:

Sec. —. The first and all meetings of the Legislature shall be held in the city of Jackson, until the year one thousand, eight hundred and seventy-five, after which time all meetings of the Legislature shall be held at Kosciusko, or such other place in Attala county, near the geographical center of the State, as the Legislature may provide. The first and each succeeding Legislature shall make the necessary appropriations for the purchase of a site, and for the erection of the necessary public buildings, and cause the same to be done, and to do any, every, and all things necessary to carry into effect this provision of the Constitution.

Also as section 22, Article XII, General Provisions:

SEC. —. The place designated in this Constitution, where the regular meetings of the Legislature may be held, shall be deemed and held to be the Capitol of the State of Mississippi, and the Governor and all other State officers, shall keep their respective offices in or at the capital of the State, unless otherwise provided by law

S. C. CONLEY,
*Chairman.*
W. V. MCKNIGHT,
D. N. QUINN,
N. B. BRIDGES,
JOHN ELLIOTT,
H. MASK,
N. J. CHAPPELL,
W. T. COMBASH,
*Committee.*

Report received.

Mr. Conley moved to suspend the rules, and the section passed its first reading.

Mr. Morgan moved to indefinitely postpone.

Mr. Fitzhugh moved the previous question;

Which was not sustained.

And the subject lies over.

Mr. Clarke moved to suspend the rules, and further consider the subject.

Mr. Gibbs moved to table;

Which was lost.

Mr. Gibbs moved the previous question;

Which was not sustained;

And the motion lies over.

Mr. Morgan moved to suspend the rules and take up the order of the day;

Which was carried.

Leaves of absence were granted, to Mr. Chappell for one-half day; to Mr. Jacobs, for one day.

The motion of Mr. Morgan to indefinitely postpone the ordinance relating to tax sales, pending on adjournment, being taken up, wascarried, by the following vote:

YEAS—Messrs. Bonney, Brinson, Caldwell, Clarke, Conley, Cunningham, Drane, Fawn, Fitzhugh, Handy, Herbert, Johnson S., Johnson A., Lawson, Leas, Mayson, Morgan, Myers, Mygatt, Newsom, Niles, Parsons J. R., Peyton E. A., Powell, Stewart, Stites, Stringer, Stiles, Toy, Warren, Woodmansee, and Yeoman—32.

Nays—Messrs. Alcorn, Ballard, Bridges, Castello, Chapman, Dowd, Gibbs, Hauser, Holland, Hutto, Jamison, Mask, McKnight, Orr, Ozanne, Railsback, Richardson, Stovall, Weir, and Williams—20.

The Convention proceeded to the final consideration of General Provisions, being Article XII of the Constitution.

And section 1 was adopted, and reads as follows:

Section 1. The political year of the State of Mississippi shall commence on the first Monday of January in each year, and the general election shall be holden on the first Tuesday succeeding the first Monday in November, biennially.

Section 2 was adopted, and reads as follows:

Sec. 2. The Legislature shall pass laws to exclude from office, and from suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors; and every person shall be disqualified from holding an office or place of honor, profit or trust, under the authority of this State, who shall be convicted of having given or offered any bribe to procure his election or appointment.

Section 3 was adopted, and reads as follows:

Sec. 3. No person who denies the existence of a Supreme Being shall hold any office in this State.

Section 4 was adopted, and reads as follows:

Sec. 4. The Legislature shall provide by law for the indictment and trial of persons charged with the commission of any felony, in any county other than that in which the offense was committed, whenever, owing to prejudice, or any other cause, an impartial grand or petit jury cannot be empaneled in the county in which the offense was committed.

Section 5 was adopted, and reads as follows:

Sec. 5. The credit of the State shall not be pledged or loaned in aid of any person, association, or corporation; nor shall the State, hereafter, become a stockholder in any corporation or association.

Section 6:

Mr. Leas moved to indefinitely postpone further consideration;

Which was carried.

Section 7:

Mr. Castello moved that the Convention go into Committee of the Whole to consider section 7;

Which was carried.

And after certain action had therein, the committee rose, and through their chairman, Mr. Orr, reported section 7 so amended as to read as follows:

Sec. 7. The term of office of all county, township, and precinct officers shall expire within thirty days after this Constitution shall have been ratified, and the Governor shall, by and with the advice and consent of the Senate, thereafter appoint such officers, whose term of office shall continue until the Legislature shall provide, by law, for an election of said officers; *Provided*, The present incumbents of all county, township, district, and beat officers shall hold their respective offices until their successors are legally appointed or elected, and duly qualified.

Mr. Newsom moved to receive and adopt the report;

Which was carried.

And the section as amended in Committee of the Whole was adopted, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Bonney, Bridges, Brinson, Castello, Chapman, Clarke, Cunningham, Dowd, Drane, Fitzhugh, Gibbs, Holland, Hutto, Jamison, Johnson S., Lawson, Leas, Mask, Myers, Mygatt, McKnight, Newsom, Orr, Parsons F., Peyton E. A., Powell, Railsback, Richardson, Stewart, Stovall, Stringer, Toy, Warren, Williams, and Yeoman—37.

NAYS—Messrs. Ballard, Conley, Handy, Hauser, Herbert, Johnson A., Leonard, Morgan, Stiles, and Woodmansee—10.

And reads as above.

And section 8 was adopted, and reads as follows:

SEC. 8. In all cases, not otherwise provided for in this Constitution, the Legislature may determine the mode of filling all vacancies in all offices, and shall define their respective powers, and provide suitable compensation for all officers.

And section 9 was adopted, and reads as follows:

SEC. 9. The Legislature, at its first session, shall provide by law for the sale of all delinquent tax lands. The courts shall apply the same liberal principles in favor of such titles as in sale by execution.

And section 10 was adopted, and reads as follows:

SEC. 10. No laws of a general feature, unless otherwise provided for, shall be enforced until sixty days after the passage thereof.

And section 11 was adopted, and reads as follows:

SEC. 11. It shall be the duty of the Legislature to regulate by law, the cases in which deduction shall be made from salaries of public officers, for neglect of duty in their official capacity, and the amount of said deduction.

Section 12:

Mr. Orr moved to go into Committee of the Whole for the consideration of the section;

Which was laid on the table.

And section 12 was adopted, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Ballard, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Clarke, Cunningham, Dowd, Drane, Fitzhugh, Gibbs, Hauser, Herbert, Lawson, Leas, Mayson, Myers, Mygatt, McKnight, Newsom, Orr, Ozanne, Peyton E. A., Powell, Railsback, Stites, Stringer, Stiles, Toy, Warren, Weir, Yeoman—36.

NAYS—Messrs. Fawn, Handy, Jamison, Johnson S., Johnson A., Leonard, Mask, Morgan, Parsons F., Richardson, Stovall—11.

And the section reads as follows:

SEC. 12. The Legislature, at its first session under this Constitution, shall have authority to designate by law, such loyal paper, or papers, in each Circuit Court District, as shall publish all legal advertising. and such official printing as shall be required by law, in such Circuit Court District, and fix the compensation therefor.

Section 13:

Mr. Newsom moved to go into Committee of the Whole to consider the section.

Mr. Fitzhugh moved to table;

Which was carried.

Mr. Cunningham moved the previous question;

Which was sustained.

And section 13 was adopted, and reads as follows:

SEC. 13. No corporate body shall, hereaftar, be created, renewed, or extended, with the privilege of making, issuing, or putting in circulation, any notes, bills, or other paper, or the paper of any other bank, to circulate as money; and the Legislature shall prohibit by law, individuals or corporations from issuing bills, checks, tickets, promissory notes, or other papers, as money. But nothing herein contained shall be construed as preventing corporations or associations from forming for such purposes, under the acts of Congress for a National system of Banking.

The Convention adjourned to meet at 3 o'clock. P. M.,

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Conley, Cunningham, Dowd, Drane, Fawn, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Holland, Hutto, Jamison, Johnson S., Johnson A., Lack, Lawson, Leas, Leonard, Mayson, Mask, Musgrove, Morgan, Myers, Mygatt, McKnight, Newsom, Niles, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Powell, Quinn, Railsback, Richardson, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Warren, Weir; Woodmansee, Yeoman—59.

The following delegates were absent:

Messrs. Barry, Beam, Collins, Combash, Elliott John, Elliott James, Field, Howe, Jacobs, Jones, Kerr, Miles, Moore, McKee, Neilson, Nelms, Peyton E. G., Rainey, Smith, Walker, Williams—21.

The Convention resumed the consideration of Article XII.

And section 14 was adopted, and reads as follows:

SEC. 14. The property of all corporations for pecuniary profits, shall be subject to taxation, the same as that of individuals.

Section 15 was adopted, and reads as follows:

SEC. 15. The Legislature shall not authorize any county, city, or town, to become a stockholder in, or to loan its credit to any company, association, or corporation, unless two-thirds of the qualified voters of such county, city, or town, at a special election, or regular election, to be held therein, shall assent thereto.

Section 16:

Mr. Herbert moved to amend, by way of rider: Strike out all after the word "allowed," in the fourth line, to the end of the section;

Which was laid on the table.

Mr. Castello moved the previous question;

Which was sustained;

And section 16 was adopted, by the following vote:

YEAS—Messrs. Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Dowd, Drane, Fawn, Fitzhugh, Handy, Holland, Johnson A., Lawson, Leas, Morgan, Myers, McKnight, Newsom, Ozanne, Parsons J. R., Richardson, Stewart, Stiles, Stringer, Weir, Yeoman—29.

NAYS—Messrs. Alderson, Alcorn, Ballard, Conley, Cunningham, Gibbs, Herbert, Hutto, Jamison, Johnson S., Lack, Mask, Musgrove, Niles, Railsback, Stites, Woodmansee—17.

And reads as follows:

SEC. 16. The Legislature shall never authorize any lottery, nor shall the sale of lottery tickets be allowed, nor shall any lottery heretofore authorized, be permitted to be drawn, or tckets therein to be sold.

Section 17 was adopted, and reads as follows:

SEC. 17. No county shall be denied the right to raise, by special tax, money sufficient to pay for the building and repairing of court-houses, jails, bridges, and other necessary conveniences for the people of the county; and money thus collected shall never be appropriated for any other purposes; *Provided*, The tax thus levied shall be a certain per cent. on all tax levied by the State.

Section 18 was adopted, and reads as follows:

SEC. 18. Liabilities of banks, associations, and other corporations, shall be secured by legislative enactments; but in all cases, no stockholder shall be individually liable over and above the stock by him or her owned, unless so specified in the articles of association or act of incorporation.

Section 19 was adopted, and reads as follows:

SEC. 19. All lands sold in pursuance of decree of courts or execution, shall be divided into tracts not to exceed one hundred and sixty acres.

Section 20 was adopted, and reads as follows:

SEC. 20. Returns of all elections by the people shall be made to the Secretary of State in such manner as may be prescribed by law.

Section 21 was adopted, and reads as follows:

SEC. 21. Taxation shall be equal and uniform throughout the

State. All property shall be taxed in proportion to its value, to be ascertained as directed by law.

Section 22 was adopted, and reads as follows:

SEC. 22. The State of Mississippi shall never assume nor pay any debt or obligation contracted in aid of the rebellion, nor shall this State ever in any manner claim from the United States, or make any allowance or compensation for slaves emancipated or liberated in any way whatever since the 9th day of January, 1861.

Mr. Niles moved to go into Committee of the Whole, to take into consideration section 23;

Which was carried.

The Committee of the Whole, through their chairman, Mr. F. Parsons, reported certain action had therein.

Mr. Cunningham moved to go into Committee of the Whole;

Which was carried.

The committee, after certain proceedings had therein, through their chairman, Mr. Orr, presented the following report:

That no action was had on section 23 of Article XII, for want of a quorum.

The Convention adjourned to meet to-morrow, at 9 A. M.

T. P. SEARS,
*Secretary.*

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## ONE HUNDRED AND SEVENTH DAY.

JACKSON, MISS., Saturday, May 9th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names.

Mr. President, Messrs. Alderson, Alcorn, Ballard, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Conley, Cunningham, Dowd, Drane, Fawn, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Holland, Hutto, Jacobs, Jamison, Johnson S., Johnson A., Lack, Lawson, Leas, Leonard, Mask, Mayson, Musgrove, Morgan, Myers, Mygatt, McKnight, Newsom, Niles, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Powell, Quinn, Railsback, Richardson, Stewart, Stiles, Stovall, Stringer, Stites, Toy, Warren, Weir, Williams, Woodmansee, and Yeoman—61.

The following delegates were absent:

Messrs. Barry, Beam, Collins, Combash, Elliott John, Elliott James, Field, Howe, Jones, Kerr, Miles, Moore, McKee, Neilson, Nelms, Peyton E. G., Rainey, Smith, and Walker—19.

On motion, the reading of the Journal was dispensed with.

Leaves of absence were granted, to Mr. Ozanne from day to day;

to Mr. Beam for one day; to Mr. Combash for two days; and to Mr. Caldwell for one day.

On motion of Mr. Gibbs, the rules were suspended to enable him to introduce a resolution.

Mr. Gibbs offered the following:

*Be it resolved by the People of the State of Mississippi, in Convention assembled*, That the Auditor of the State be, and is hereby authorized, to issue duplicate Convention Warrants to any person or persons who may have lost, or may have had the same destroyed, said person or persons being first required to make affidavit of said loss, and file a bond of indemnity to the State of good and sufficient security against all losses.

Under the operation of the previous question, moved by Mr. Cunningham, and sustained, the resolution was lost.

The committee on Enrollment submitted the following report:

*Mr President, and members of the Convention:*

Your committee on Enrollment, have examined an ordinance supplementary to an ordinance providing for the levy and collection of a tax upon the real and movable property of the State of Mississippi, adopted in Convention February 27, 1868, and have instructed me to report that they have found it correctly enrolled.

JAMES WEIR,
*Chairman.*

Report received.

Mr. Morgan moved to suspend the rules to take up the regular order of the day;

Which was carried.

The Convention then resumed the consideration of Article XII of the Constitution.

Section 23:

By unanimous consent, the following was substituted for section 23:

SEC. 23. All persons who have not been married, but are now living together, cohabiting as husband and wife, shall be taken and held for all purposes in law, as married, and their children, whether born before or after the ratification of this Constitution, shall be legitimate, and the Legislature may by law, punish adultery and concubinage.

Mr. Alderson moved to go into Committee of the Whole;

Mr. Fitzhugh moved to table;

Which was carried.

Mr. Morgan moved to amend by way of ryder:

"And all persons who shall hereafter continue unlawfully to live and cohabit together, one or both of the parties being lawfully married, shall be taken and held as high criminals against the peace and dignity of the State, and shall be liable to not more than ten nor less than two years imprisonment in the State Penitentiary, and in addition thereto, to a fine of not more than ten nor less than one thousand dollars, or both, at the discretion of the court.

Mr. Parsons moved to table;

Which was carried.

Mr. F. Parsons moved the previous question;

Which was sustained.

And under the operation thereof, the substitute for the original section was adopted, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Brinson, Caldwell, Castello, Clarke, Dowd, Drane, Fitzhugh, Gibbs, Hauser, Holland, Jamison, Lack, Leas, Mayson, Morgan, Myers, Mygatt, McKnight, Newsom, Ozanne, Parsons F., Peyton E. A., Railsback, Stewart, Stiles, Stovall, Stringer, Toy, Warren, Williams, Yeoman—33.

NAYS—Messrs. Ballard, Chapman, Conley, Cunningham, Fawn, Handy, Herbert, Hutto, Jacobs, Johnson S., Johnson A., Mask, Musgrove, Niles, Orr, Powell, Stiles, and Weir—18.

And reads as above.

Mr. Morgan moved to reconsider.

Mr. Fitzhugh moved to table;

Which was carried.

Section 24 was adopted, and reads as follows:

SEC. 24. There shall be a Commissioner of Immigration and Agriculture, who shall be elected by the Legislature on joint ballot, who shall hold his office for the term of four years, unless sooner removed by law.

Section 25:

Mr. Fitzhugh moved the previous question;

Which was sustained.

And section 25 was adopted, and reads as follows:

SEC. 25. The next Legislature shall have power to repeal statutes of limitation, pass relief, stay, injunction, insolvent and homestead laws, and to pass any and every act deemed necessary for the relief of debtors, subject only to the restrictions imposed by the Constitution of the United States.

Mr. Castello moved to go into Committee of the Whole to consider an additional section to Article XII.

Mr. Fitzhugh moved the previous qestion,

Which was sustained;

And the motion of Mr. Castello was carried.

The committee rose, and through their chairman, Mr. Musgrove, reported no action in Committee of the Whole.

Mr. Castello moved to go into Committee of the Whole to consider Article XII of the Constitution.

A motion to table was lost.

Mr. Fitzhugh moved the previous question,

Which was sustained;

And the motion to go into Committee of the Whole, to consider section 19, was carried.

The committee rose, and through their chairman, Mr. Musgrove, reported no action in Committee of the Whole, on section 19.

Mr. Castello moved to go into Committee of the Whole, to consider the additional section to Article XII.

The previous question called, call sustained, and the motion of Mr. Castello was carried.

And after certain action had therein, the committee rose, and through their chairman, Mr. Orr, reported the following additional section to Article XII of the Constitution:

SEC. 24. The following, among other crimes, shall be considered and taken in law as high crimes and misdemeanors, and, on conviction of which, any officer may be impeached: Drunkenness in office, adultery and concubinage.

SEC. 25. Representatives in Congress to fill the existing vacancies shall be elected at the same time this Constitution is submitted to the electors of the State for ratification, and for the full term next succeeding their election; and thereafter the elections for Representatives in Congress shall be held biennially—the first election shall be held on the first Tuesday after the first Monday in November preceding the expiration of said full term.

And the committee further reported that additional sections were under consideration, and asked leave to sit again.

Reports received and leave granted.

Convention adjourned to meet at 3 o'clock, P. M.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Bonney, Bridges, Brinson, Castello, Chapman, Chappell, Clarke, Conley, Fawn, Fitzhugh, Gibbs, Handy, Herbert, Holland, Hutto, Johnson S., Lack, Lawson, Leas, Leonard, Mayson, Mask, Musgrove, Morgan, McKnight, Niles, Orr, Ozanne, Parsons F., Parsons J. R., Powell, Railsback, Stewart, Stites, Stovall, Toy, Warren, Weir, and Woodmansee, Yeoman—44.

The following delegates were absent:

Messrs. Barry, Beam, Caldwell, Collins, Combash, Cunningham, Dowd, Drane, Elliott John, Elliott James, Hauser, Howe, Jacobs, Jamison, Johnson A., Jones, Kerr, Miles, Myers, Moore, Mygatt, McKee, Neilson, Nelms, Newsom, Peyton E. A., Peyton E. G., Quinn, Rainey, Richardson, Smith, Stiles, Stringer, Walker, Williams—35.

Leave of absence was granted to Mr. Richardson for one day.

Mr. Clarke moved to adopt the report of the Committee of the Whole;

Which was carried.

And the question on report being divided,

Mr. F. Parsons offered the following amendment to section 24, by way of ryder:

"*Provided*, They admit the civil and political equality of all men."

Mr Castello moved to lay the section and ryder on the table;

Which was carried, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Ballard, Brinson, Castello, Chappell, Clarke, Conley, Gibbs, Hauser, Herbert, Holland, Hutto, Jacobs, Johnson S., Lack, Mayson, Mask, Musgrove, Miles, Ozanne,, Parsons F., Parsons J. R., Powell, Railsback, Stewart, Stovall, Toy, Warren, Weir, Williams, Woodmansee, Yeoman—33.

Nays—Messrs. Bonney, Chapman, Fitzhugh, Handy, Jamison, Lawson, Leas, Leonard, Morgan, McKnight, Orr, and Stiles—12.

Mr. Musgrove moved to strike from the Journal section 24, and all proceedings had thereon, as reported from the Committee of the Whole;

Which was lost.

And section 25, as reported from the Committee of the Whole, was, under the operation of the previous question, lost, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Castello, Clarke, Conley, Fitzhugh, Gibbs, Jacobs, Jamison, Lawson, Leas, Mask, McKnight, Orr, Parsons F., Powell, Railsback, Stovall, Toy, Yeoman—20.

Nays—Messrs. Ballard, Bonney, Bridges, Brinson, Chapman, Chappell, Handy, Hauser, Herbert, Holland, Hutto, Johnson S., Lack, Leonard, Mayson, Musgrove, Morgan, Miles, Ozanne, Parsons J. R., Stewart, Stiles, Warren, Weir, and Woodmansee—25.

Mr. Leas moved to adopt Article XII of tne Constitution a a whole, and refer to committee on Enrollment.

Mr. Fitzhugh moved to table.

Pending consideration of the same, the Convention adjourned to meet Monday morning at 9 o'clock.

T. P. Sears,
*Secretary.*

## ONE HUNDRED AND EIGHTH DAY.

Jackson, Miss., Monday, May 11th, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alcorn, Alderson, Ballard, Beam, Bonney, Bridges, Brinson, Castello, Clarke, Combash, Conley, Cunningham, Dowd, Drane, Fawn, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Howe, Hutto, Jacobs, Jamison, Johnson A., Lack, Lawson, Leas, Leonard, Mask, Musgrove, Mygatt, McKnight, Nelms, Newsom, Niles, Orr, Parsons F., Powell, Railsback, Richardson, Stewart, Stiles, Stringer, Stites, Toy, Warren, Weir, Williams, Woodmansee, and Yeoman—52.

The following delegates were absent:

Messrs. Barry, Caldwell, Chapman, Chappell, Collins, Elliott James, Elliott John, Field, Holland, Johnson S., Jones, Kerr, Mayson, Miles, Moore, Morgan, Myers, McKee, Neilson, Ozanne, Parsons J. R., Peyton E. A., Peyton E. G., Quinn, Rainey, Smith, Stovall, and Walker—28.

Journal of Saturday read and approved.

Leaves of absence were granted, to Mr. Stovall, from day to day; to Mr. Holland, from day to day; to Mr. Chappell, for one day; to Mr. S. Johnson, for two days.

Mr. Castello moved to reconsider the vote on additional section 25, had on Saturday;

Which was carried.

Mr. Cunningham moved to adopt the section;

Previous question called, call sustained,

And the section was adopted, by the following vote:

Yeas—Messrs. Alderson, Bonney, Bridges, Brinson, Castello, Clarke, Cunningham, Dowd, Drane, Fitzhugh, Gibbs, Handy, Hauser, Howe, Jacobs, Jamison, Johnson A., Lawson, Mask, Mygatt, Newsom, Orr, Parsons F., Railsback, Stiles, Stites, Toy, Williams, Woodmansee, and Yeoman—30.

Nays—Messrs. Ballard, Beam, Combash, Conley, Fawn, Herbert, Hutto, Lack, Leas, Musgrove, Nelms, Powell, Richardson, Stewart, Stringer, Warren, and Weir—17.

And reads as follows:

Sec. 25. Representatives in Congress to fill the existing vacancies shall be elected at the same time this Constitution is submitted to the electors of the State for ratification, and for the full term next succeeding their election, and thereafter elections for Representatives in Congress shall be held biennially. The first election shall be held on the first Tuesday after the first Monday in November preceding the expiration of said full term.

Mr. Fitzhugh moved to reconsider.

Mr. Gibbs moved to table;

Which was carried.

Mr. Castello moved to go into Committee of the Whole to consider additional sections to Article XII;

Which was carried.

And after certain action had therein, committee rose, and through their chairman, Mr. Musgrove, reported the following additional sections as adopted in Committee of the Whole:

Sec. —. Members of the Legislature, and all other officers elected or appointed to any office in this State shall, before entering upon the discharge of the duties thereof, take and subscribe to the following oath of office:

"I, —— ——, do solemnly swear (or affirm) that I will faithfully support and true allegiance bear the Constitution of the United States and the State of Mississippi, and obey the laws thereof; that I am not disqualified from holding office by the Constitution of the United States, or the State of Mississippi; that I have never, as a member of any Convention, voted for or signed any ordinance of secession; that I have never, as a member of any State Legislature, voted for the call of any Convention that passed any such ordinance; that I will faithfully discharge the duties of the office upon which I am about to enter; so help me God."

Mr. Clarke moved to receive and adopt the report.

On a division of the question, the report was received, and under the operation of the previous question, the report was adopted, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Bonney, Bridges, Brinson, Castello, Clarke, Combash, Conley, Cunningham, Drane, Fawn, Fitzhugh, Gibbs, Handy, Herbert, Jacobs, Johnson A., Leas, Mask, Mygatt, Newsom, Niles, Orr, Parsons F., Railsback, Powell, Stewart, Stites, Stringer, Toy, Warren, Williams, Woodmansee—34.

NAYS—Messrs. Ballard, Beam, Dowd, Hauser, Howe, Hutto, Lack, Lawson, Musgrove, Myers, McKnight, Stiles, Weir—13.

Mr. Alderson moved to reconsider section 25, of General Provisions.

Mr. Fitzhugh moved to lay the amendment on the table;

Which was carried, by the following vote:

YEAS—Messrs. Bonney, Bridges, Castello, Clarke, Dowd, Fitzhugh, Gibbs, Hauser, Howe, Hutto, Jamison, Lawson, Leas, Mask, Mygatt, McKnight, Parsons F., Powell, Railsback, Stewart, Stringer, Stiles, Toy, Warren, and Weir—25.

NAYS—Messrs. Alderson, Alcorn, Ballard, Brinson, Combash, Conley, Drane, Fawn, Handy, Herbert, Jacobs, Johnson A., Lack, Musgrove, Myers, Newsom, Niles, Orr, Stites, Williams, and Woodmansee—21.

Mr. Hauser moved to go into Committee of the Whole.

Mr. Gibbs moved to lay the motion on the table;

Which was lost.

And the motion of Mr. Hauser was lost.

Mr. Fitzhugh moved to refer Article XII of the Constitution to the Committee on Enrollment;

Which was carried.

Mr. Hauser moved to refer the following sections to the Committee on Enrollment, with instructions to engraft them in Article XII of the Constitution; which was carried:

SEC. —. It shall be the duty of the Legislature to provide by law for the support of institutions for the education of the deaf, dumb and blind; and, also, for the treatment and care of the insane.

SEC. —. The Legislature shall provide houses of refuge for the correction and reformation of juvenile offenders.

SEC. —. The county boards shall have power to provide farms and an asylum for those persons who, by reason of age, infirmity, or other misfortune, may have claims upon the sympathies and aid of society.

The report of the Committee on Ordinance and Schedule was taken up on its third reading.

Mr. Stringer offered an amendment, by way of ryder, to the mode of amending the Constitution, as follows:

*Provided*, That no amendment which may be made prior to the year one thousand eight hundred and eighty-five shall, in any manner, affect the eighteenth section of the Bill of Rights.

Mr. Orr moved that the rules be suspended so that when the Convention adjourns it be until to-morrow morning at nine o'clock;

Which was carried.

Mr. Fitzhugh moved that the rules be suspended to permit the introduction of a communication;

Which was carried.

And Mr. Howe presented the following communication:

I am necessarrily compelled to be absent from this Convention two weeks, and being desirous of signing the Constitution when completed, do hereby authorize Jehiel Railsback to sign my name for me to said Constitution when completed.

Leaves of absence were granted, to Mr. Chapman, for two days; to Mr. Mayson, for one day; to Mr. Morgan, for one day.

Mr. Orr moved to suspend the rules to enable him to introduce a resolution;

Which was carried.

Mr. Orr offered the following:

*Resolved*, That the Constitution adopted by this Convention be published, in the *Holmesville Independent*, for the same length of time, and at the same rate of compensation as allowed to the other papers selected for that purpose.

Mr. Niles moved to amend by adding the *Kosciusko Chronicle*.

A motion to adjourn was lost;

And the amendment of Mr. Niles was lost.

Mr. Orr moved the previous question;

Which was lost.

And the subject lies over.

Mr. Gibbs moved to adjourn;

Which was carried.

And the Convention adjourned to meet to-morrow morning at 9 o'clock.

T. P. SEARS,
*Secretary*.

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## ONE HUNDRED AND NINTH DAY.

JACKSON, MISS., Tuesday, May 12th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Messrs. Alderson, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chappell, Clarke, Combash, Conley, Cunningham, Dowd, Drane, Fitzhugh, Gibbs, Handy, Hauser, Jacobs, Jamison, Johnson A., Lack, Lawson, Leas, Leonard, Mayson, Mask, Musgrove, Morgan, Myers, Mygatt, McKee, McKnight, Nelms, Newsom, Parsons F., Parsons J. R., Powell, Quinn, Railsback, Richardson, Stewart, Stringer, Stites, Toy, Woodmansee, and Yeoman—49.

The following delegates were absent:

Mr. President, Messrs. Alcorn, Chapman, Collins, Elliott John, Elliott James, Fawn, Field, Herbert, Holland, Howe, Hutto, Johnson S., Jones, Kerr, Miles, Neilson, Niles, Orr, Ozanne, Peyton E. G., Rainey, Smith, Stiles, Stovall, Walker, Warren, Weir, and Williams—29.

The Convention was called to order by the Secretary, in the absence of the President,

And on motion of Mr. Clarke, Mr. Morgan, of Yazoo, was elected temporary Chairman.

Mr. Musgrove moved that Mr. Morgan be declared President, *pro tempore;*

Which was carried.

Mr. Cunningham moved to dispense with the reading of the Jorunal;

Which was lost.

On the reading of the Journal, objection being made thereto, certain corrections were made therein, as follows:

Upon motion, the rules were suspended, so that the Convention adjourn to meet to-morrow morning, at 9 o'clock, on account of the arrest of the President by the civil authorities.

Upon motion of Mr. Castello, the rules were suspended to take up the regular order of the day.

The unfinished business being the resolution pending on adjournment, yesterday, relative to the publication of the Constitution in the *Holmesville Independent,* was taken up for consideration, and upon motion adopted.

The proviso offered by Mr. Stringer, yesterday, as a ryder to the section of Ordinance and Schedule, defining the manner of revising the Constitution, came up in order, for consideration.

And under the operation of the previous question, moved by Mr. Castello, and sustained, the ryder was adopted, by the following vote:

Yeas—Messrs. Alderson, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Clarke, Combash, Dowd, Drane, Fitzhugh, Gibbs, Handy, Jacobs, Johnson A., Lawson, Leas, Mayson, Moore, Mygatt, McKnight, Newsom, Peyton E. A., Quinn, Stewart, Stringer, Toy, Woodmansee — 29.

Nays–Messrs. Ballard, Beam, Conley, Cunningham, Hauser, Jamison, Lawson, Leonard, Mask, Musgrove, Myers, Nelms, Parsons F., Railsback, Richardson, Weir—16.

And the section relating to the revision of the Constitution as amended, was adopted, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Bonney, Bridges, Brinson, Caldwell, Castello, Clarke, Combash, Dowd, Drane, Fitzhugh, Gibbs, Handy, Jacobs, Johnson A., Lawson, Leas, Leonard, Mayson, Moore, Myers, Mygatt, McKnight, Newsom, Parsons J. R., Peyton E. A., Powell, Quinn, Railsback, Stewart, Stites, Stringer, Toy, Woodmansee—36.

Nays—Messrs. Ballard, Beam, Conley, Cunningham, Hauser, Lack, Mask, Musgrove, Nelms, Parsons F., Weir—11.

And reads as follows:

## MODE OF REVISING THE CONSTITUTION.

Whenever two-thirds of each branch of the Legislature shall deem any change, alteration, or amendment necessary to this Constitution, such proposed change, alteration, or amendment shall be read and passed by a two-thirds vote of each house respectively, on each day for three several days; public notice shall then be given by the Secretary of State at least three months preceding the next general election, at which the qualified electors shall vote directly for or against such change, alteration, or amendment; and if more than one amendment shall be submitted at one time, they shall be submitted in such manner and form that the people may vote for or against each amendment separately; and if it shall appear that a majority of the qualified electors voting for members of the Legislature, shall have voted for the proposed change, alteration, or amendment, then it shall be inserted by the next succeeding Legislature as a part of this Constitution, and not otherwise; *Provided*, That no amendment which may be made prior to the year one thousand eight hundred and eighty-five, shall in any manner affect the eighteenth section of the Bill of Rights.

## SCHEDULE.

Section 1 was adopted, and reads as follows:

Section 1. The Ordinance of Secession of the State of Mississippi, passed January 9th, 1861, is hereby declared to be null and void. The present, and all previous Constitutions of the State of Mississippi, are hereby declared to be repealed and annulled by this Constitution.

Section 2:

Under the operation of the previous question, moved by Mr. Fitzhugh, and sustained, section 2 was adopted, and reads as follows:

Sec. 2. All laws now in force in this State, not enacted in furtherance of secession and rebellion, and not repugnant to this Constitution, shall continue in operation until they shall expire by their own limitation, or be altered or repealed by the Legislature, except the hereinafter mentioned laws, to-wit:

"An Act to change the name of the county of Jones, and for other purposes," approved December 1, A. D. 1865.

"An Act to establish a ferry across the Mississippi river, at Vicksburg," approved November 29, A. D. 1865.

"An Act to provide for the removal and location of the seat of justice of Scott county," approved November 8th, A. D. 1865.

"An Act supplemental to an Act entitled an Act to provide for the removal and location of the seat of justice of Scott county," approved November 8th, 1865, approved December 1st, 1865.

Section 3 was adopted, and reads as follows:

Sec. 3. The Legislature shall provide for the removal of causes now pending in the courts of this State, to courts created by or under this Constitution.

## ORDINANCE.

Section 4 was adopted, and reads as follows:

Sec. 4. Immediately upon the adjournment of this Convention, this Constitution shall be submitted for ratification to the registered voters of the State, in conformity with the Act of Congress passed March 2, 1867, entitled an Act to provide for the more efficient government of the rebel States, and the Acts supplementary thereto.

Section 5:

Mr. Dowd moved to go into Committee of the Whole to consider the balance of Ordinance and Schedule;

Which was carried.

And after certain action had therein, the committee rose, and through their chairman, Mr. Musgrove, reported the following sections as adopted in Committee of the Whole: Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16.

Sec. 5. The election for the ratification of this Constitution shall commence on the twenty-second day of June, A. D. 1868, and be held at such places and shall continue such time as the Commanding General of the Fourth Military District may direct, and the polls shall be kept open from 7 o'clock A. M., until 8 o'clock P. M., each day. At said election all those in favor of ratifying the Constitution shall have written or printed on their ballots, the words, "For Constitution;" and those opposed to the ratification of the same, shall have written or printed on their ballots, the words, "Against Constitution;" but no person shall vote for or against this Constitution on a separate ballot from that cast by him for officers to be elected at said election under this Constitution.

Sec. 6. In order to establish a civil government as required by the Act of Congress, approved March 2, 1867, and the Acts supplementary thereto, an election shall be held at the same time and place, at which the Constitution is submitted for ratification, for all State officers, including members of the Legislature, and for Representatives in Congress, at which election the electors who are qualified under the Reconstruction Acts of Congress shall vote, and none others.

SEC. 7. The Committee of Five appointed under the authority of this Convention shall appoint three Commissioners of Election for each county, whose duty it shall be to attend the election for the ratification or rejection of the Constitution; who shall also, at the same time and place, attend the election for all officers and represenatives herein ordered, and be present at the counting of the votes, and forward the result of the same to the chairman of said committee within three days thereafter.

SEC. 8. The Legislature elected under this Constitution shall hold its first session in the Capitol, in the city of Jackson, on the second Monday after the official promulgation of the ratification of this Constitution, and shall proceed immediately upon its organization, to vote upon the adoption of the Fourteenth Amendment of the Constitution of the United States, proposed by Congress and passed June 13, 1866. Said Legislature shall not have power to enact any laws relative to the per diem of members, nor on any other subject after organization, until said Constitutional Amendment shall have been adopted.

SEC. 9. The first term of all civil officers elected at the same time this Constitution is submitted for ratification or rejection, shall commence on the second Monday after their election shall have been officially promulgated, and they continue to hold from said time until the expiration of the first full term succeeding said election.

SEC. 10. The Commissioners of Election herein provided for, shall receive the same compensation per day, while in attendance upon elections, and allowances for transportation (when actual disbursements have been made), as Registrars, and shall be paid out of any funds in the State Treasury to the credit of the Convention fund, upon the certificate of the chairman of said Committee of Five.

SEC. 11. The Committee of Five appointed by this Convention is hereby authorized and empowered to adjust all outstanding accounts against the same, and certify to their correctness; and the Auditor of Public Accounts shall issue his warrant in payment thereof.

SEC. 12. That when this Coventiou adjourns it shall be subject to the call of the Committee of Five, appointed by this Convention; *Provided*, That should the Constitution be ratified, this Convention shall thereafter be deemed adjourned *sine die;* but in case the Constitution should not be ratified, then the Convention may be reconvened by said committee.

SEC. 13. Said committee shall have authority to employ a Clerk, and to enforce the collection of the taxes levied by the several ordinances of this Convention, and to perform any and all duties appertaining to the same.

SEC. 14. The members of the Committee of Five, appointed by this Convention, and the Clerk thereof, shall receive the same compensation as the members of this Convention, and shall be allowed a just compensation for all necessary expenses incurred by them in carrying out the objects of this Convention.

SEC. 15. The Legislature at its first session under this Constitution, shall make a special appropriation to liquidate any debts of this Convention at that time remaining unpaid.

SEC. 16. If any candidate receiving the highest number of votes cast, cannot take the oath of office prescribed in this Constitution, then and in that case the candidate receiving the next highest vote shall be entitled to enter upon and perform the duties of the office, upon taking and subscribing to said oath.

Mr. Fitzhugh moved to adopt the report;

And under the operation of the previous question, moved by Mr. Fitzhugh, and sustained, the report of the Committee of the Whole was adopted, by the following vote:

YEAS—Messrs. Bonney, Bridges, Brinson, Caldwell, Castello, Clarke, Cunningham, Dowd, Fitzhugh, Gibbs, Handy, Jacobs, Jamison, Lawson, Leas, Leonard, Mayson, Mask, Moore, Myers, Mygatt, McKee, Newsom, Parsons F., Powell, Quinn, Railsback, Richardson, Stewart, Stites, Stringer, Toy, and Warren—33.

NAYS—Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Hauser, Herbert, Johnson A., Lack, Musgrove, and Woodmansee—11.

Mr. Clarke moved to suspend the rules and take up the report on Ordinance and Schedule upon its final reading;

Which was carried.

And the Mode of Revising the Constitution was adopted, and reads as follows:

## MODE OF REVISING THE CONSTITUTION.

Whenever two-thirds of each branch of the Legislature shall deem any change, alteration, or amendment necessary to this Constitution, such proposed change, alteration, or amendment shall be read and passed by a two-thirds vote of each house respectively on each day for three several days; public notice shall then be given by the Secretary of State at least three months preceding the next general election, at which the qualified electors shall vote directly for or against such change, alteration, or amendment; and if more than one amendment shall be submitted at one time, they shall be submitted in such manner and form that the people may vote for or against each amendment separately; and if it shall appear that a majority of the qualified electors voting for members of the Legislature, shall have voted for the proposed change, alteration, or amendment, then it shall be inserted by the next succeeding Legislature as a part of this Constitution, and not otherwise; *Provided*, That no amendment which may be made prior to the year one thousand eight hundred and eighty-five, shall in any manner affect the eighteenth section of the Bill of Rights.

## SCHEDULE.

Section 1 was adopted, and reads as follows:

SECTION 1. The Ordinance of Secession of the State of Mississippi, passed January 9, 1861, is hereby declared to be null and void. The present, and all previous Constitutions of the State of Mississippi, are hereby declared to be repealed and annulled by this Constitution.

Section 2 was adopted, and reads as follows:

SEC. 2. All laws now in force in this State, not enacted in furtherance of secession and rebellion, and not repugnant to this Constitution, shall continue in operation until they shall expire by their own limitation, or be altered or repealed by the Legislature, except the hereinafter mentioned laws, to-wit:

"An act to change the name of the county of Jones, and for other purposes," approved December 1, A. D. 1865.

"An act to establish a ferry across the Mississippi river, at Vicksburg," approved November 29, A. D. 1865.

"An act to provide for the removal and location of the seat of justice of Scott county," approved November 8, A. D. 1865.

"An act supplemental to an act entitled an act to provide for the removal and location of the seat of justice of Scott county, approved November 8, 1865," approved December 1, 1865.

Section 3 was adopted, and reads as follows:

SEC. 3. The Legislature shall provide for the removal of causes now pending in the Courts of this State, to Courts created by or under this Constitution.

Section 4 was adopted, and reads as follows:

SEC. 4. Immediately upon the adjournment of this Convention, this Constitution shall be submitted for ratification to the registered voters of the State, in conformity with the act of Congress passed March 2, 1867, entitled "An act to provide for the more efficient government of the rebel States," and the acts supplementary thereto.

Section 5 was adopted, and reads as follows:

SEC. 5. The election for the ratification of this Constitution shall commence on the 22d day of June, A. D. 1868, and be held at such places, and shall continue such time as the Commanding General of the Fourth Military District may direct, and the polls shall be kept open from 8 o'clock A. M., until 7 o'clock P. M., each day. At said election all those in favor of ratifying the Constitution shall have written or printed on their ballots, the words, "For Constitution;" and those opposed to the ratification of the same, shall have written or printed on their ballots, the words, "Against Constitution;" but no person shall vote for or against this Constitution on a separate ballot from that cast by him for officers to be elected at said election under the constitution.

Section 6 was adopted, and reads as follows:

SEC. 6. In order to establish a civil government as required by the act of Congress, approved March 2, 1867, and the acts supplementary thereto, an election shall be held at the same time and place, at which the Constitution is submitted for ratification, for all State officers, including members of the Legislature, and for Representatives in Congress, at which election the electors who are qualified under the reconstruction acts of Congress shall vote, and none others.

Section 7 was adopted, and reads as follows:

SEC. 7. The Committee of Five appointed under the authority of this Convention, shall appoint three Commissioners of Election for each county, whose duty it shall be to attend the election for the ratification or rejection of the Constitution; who shall also, at the same time and place, superintend the election for all officers and representatives herein ordered, and be present at the counting of the votes, and forward the result of the same to the chairman of said committee within three days thereafter.

Section 8 was adopted, and reads as follows:

SEC. 8. The Legislature elected under this Constitution shall hold its first session in the Capitol, in the city of Jackson, on the second Monday after the official promulgation aforesaid, and shall proceed immediately upon its organization to vote upon the adoption of the fourteenth amendment of the Constitution of the United States, proposed by Congress, and passed June 13, 1866. Said Legislature shall not have power to enact any laws relative to the per diem of members, nor on any other subject, after organization, until said constitutional amendment shall have been ratified.

Section 9 was adopted, and reads as follows:

SEC. 9. The first term of all civil officers, elected at the same time this Constitution is submitted for ratification or rejection, shall commence on the second Monday after their election shall have been officially promulgated, and shall continne to hold from said time until the expiration of the first full term succeeding said election.

Section 10 was adopted, and reads as follows:

SEC. 10. The Commissioners of Election herein provided for, shall receive the same compensation per day, while in attendance upon elections, and allowances for transportation (when actual disbursements have been made), as Registrars, and shall be paid out of any funds in the State Treasury to the credit of the Convention fund, upon the certificate of the Chairman of said Committee of Five.

Section 11 was adopted, and reads as follows:

SEC. 11. The Committee of Five appointed by this Convention are hereby authorized and empowered to adjust all outstanding accounts against the same, and certify to their correctness, and the Auditor of Public Accounts shall issue his warrants in payment thereof.

Section 12 was adopted, and reads as follows:

SEC. 12. That this Convention when it adjourns, shall be subject to the call of the committee of Five appointed thereby; *Provided*, That should the Constitution be ratified, this Convention shall thereafter be deemed adjourned *sine die*. But in case the Constitution should not be ratified, then the Convention may be reconvened by the committee.

Section 13:

Mr. Stringer moved to adopt the section;

And under the operation of the previous question, moved by Mr. Fitzhugh, and sustained, section 13 was lost, by the following vote:

YEAS—Messrs. Alcorn, Barry, Bridges, Brinson, Clarke, Dowd, Fitzhugh, Jamison, Leas, Mayson, Moore, Myers, Mygatt, Parsons F., Powell, Quinn, Railsback, Stewart, Stites, Stringer, Toy, and Weir—22.

NAYS—Messrs. Alderson, Ballard, Beam, Caldwell, Chappell, Combash, Cunningham, Gibbs, Handy, Hauser, Herbert, Jacobs, Johnson A., Lack, Lawson, Leonard, Mask, Musgrove, McKnight, Newsom, Niles, Richardson, Warren, and Woodmansee—24.

Mr. Gibbs moved to reconsider the vote last taken.

Mr. Cunningham moved to table;

Which was carried.

Mr. Newsom moved to adjourn;

Which was carried, and the Convention adjourned to meet at 3 o'clock, P. M.

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

Mr. Morgan, President *pro tem.* in the chair.

Upon the roll being called, the following delegates answered to their names:

Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Clarke, Combash, Conley, Dowd, Drane, Fitzhugh, Gibbs, Handy, Hauser, Jacobs, Jamison, Johnson A., Lack, Lawson, Leas, Leonard, Mayson, Mask, Musgrove, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Newsom, Niles, Orr, Parsons F., Parsons J. R., Peyton E. A., Powell, Quinn, Railsback, Richardson, Stewart, Stites, Stringer, Stiles, Warren, Woodmansee and Yeoman—52.

The following delegates were absent:

Mr. President, Messrs. Chapman, Chappell, Collins, Cunningham, Elliott John, Elliott James, Fawn, Field, Herbert, Holland, Howe, Hutto, Johnson S., Jones, Kerr, Miles, Neilson, Nelms, Ozanne, Peyton E. G., Rainey, Smith, Stovall, Toy, Walker, Weir, and Williams—27.

The motion pending on adjournment, to reconsider the vote taken on section 13, being in order, under the operation of the previous question, the motion to reconsider was carried.

Mr. Clarke moved the adoption of section 13;

And under the operation of the previous question, moved by Mr. Castello, and sustained, the section was adopted, by the following vote:

YEAS—Messrs. Alcorn, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Clarke, Dowd, Drane, Fitzhugh, Gibbs, Handy, Jacobs, Jamison, Leas, Moore, Newsom, Parsons F., Peyton E. A., Powell, Quinn, Railsback, Stewart, Stringer, Stites, Weir, and Yeoman—29.

Nays—Messrs. Alderson, Ballard, Beam, Conley, Hauser, Lack, Mayson, Mask, Musgrove, Myers, McKnight, Orr, Parsons J. R., Richardson, Warren, and Woodmansee—16.

Section 14:

Mr. Gibbs moved to adopt the section.

Mr. Hauser moved to amend, by way of ryder:

Strike out all after the words "members of the Convention;"

And under the operation of the previous question, moved by Mr. Fitzhugh and sustained, the ryder offered by Mr. Hauser was adopted, by the following vote:

Yeas—Messrs. Alcorn, Ballard, Barry, Beam, Bonney, Brinson, Caldwell, Clarke, Combash, Fitzhugh, Gibbs, Handy, Hauser, Jacobs, Jamison, Johnson A., Lack, Leas, Leonard, Mayson, Mask, Musgrove, Moore, Myers, McKnight, Niles, Orr, Parsons J. R., Peyton E. A., Powell, Railsback, Richardson, Stewart, Stites, Stringer, Stiles, Warren, Weir, Woodmansee, Yeoman—40.

Nays—Messrs. Castello, Drane, Newsom, Parsons F.—4.

And the section was adopted, as amended, by the following vote:

Yeas—Messrs. Alcorn, Ballard, Barry, Beam, Bonney, Caldwell, Castello, Clarke, Combash, Drane, Fitzhugh, Gibbs, Handy, Hauser, Jacobs, Johnson A., Lawson, Leas, Leonard, Mayson, Mask, Moore, Mygatt, McKnight, Newsom, Parsons F., Parsons J. R., Peyton E. A., Powell, Railsback, Stewart, Stites, Stringer, Weir, Yeoman—35.

Nays—Messrs. Conley, Lack, Musgrove, Myers, Niles, Orr, Richardson, Stiles, Warren, Woodmansee—10.

And reads as follows:

Sec. 14. The members of the Committee of Five appointed by this Convention, and the clerk thereof, shall receive the same compensation as the members of this Convention.

Section 15:

Mr. Hauser offered the following as a ryder:

*Provided*, That all such accounts shall first be examined and found to be made in pursuance of law.

Mr. Castello moved to indefinitely postpone section and ryder;

Which was carried.

Section 16:

Mr. Gibbs moved to adopt the section;

And under the operation of the previous question, moved by Mr. Fitzhugh, and sustained, the section was adopted, by the following vote:

Yeas—Messrs. Barry, Bonney, Brinson, Castello, Combash, Dowd, Fitzhugh, Gibbs, Handy, Hauser, Jacobs, Johnson A., Lawson, Leas, Leonard, Moore, Myers, Mygatt, McKnight, Parsons F., Powell, Railsback, Stewart, Stites, Stringer, Woodmanse, Yeoman—27.

NAYS—Messrs. Alderson, Alcorn, Beam, Caldwell, Conley, Drane, Herbert, Mayson, Mask, Musgrove, Newsom, Niles, Orr, Parsons J. R., Peyton E. A., Richardson, Warren, Weir—18.

And reads as follows:

SEC. 16. If any candidate receiving the highest number of votes cast, cannot take the oath of office prescribed in this Constitution, then and in that case, the candidates receiving the next highest vote shall be entitled to enter upon and perform the duties of the office upon taking and subscribing to said oath.

Mr. Fitzhugh moved to adopt the report of Ordinance and Schedule as a whole, and refer to committee on Enrollment;

Which was carried.

Mr. Railsback moved to suspend the rules, to enable him and Mr. Parsons, of Adams, to introduce a resolution;

Which was carried.

And the following was introduced:

*Resolved*, That the Sheriffs of Warren and Oktibbeha counties, be instructed to redeem the tax receipts given by the Tax Collectors appointed by this Convention under Tax Ordinance passed by this Convention, January 17, 1868, and that the Treasurer be instructed to receive and audit said receipts, and give said Sheriffs credit upon their reports for the amount, and the statement of said tax as hereunto appended:

*Statement of Taxes Collected in Warren County—W. L. Jarvis, Collector.*

| | |
|---|---|
| E. L. Hall, Saloon | $ 50 00 |
| Irvin Shaffer, grocery store | 4 50 |
| H. E. O'Riley, Claim Agent | 10 00 |
| Perry Thomas, grocery store | 2 25 |
| Mrs. Barnes, grocery store | 2 50 |
| | $69 25 |

*Statement of Taxes Collected in Oktibbeha County—L. B. F. Vick, Collector.*

| | |
|---|---|
| W. A. Cannon | $5 00 |
| J. B. McCreight | 5 00 |
| Hogan & Ames | 54 00 |
| J. J. Yates | 10 00 |
| A. Strauss | 5 00 |
| L. Lichtenstein & Co | 4 25 |
| J. Bellington & Son | 4 50 |
| Saunders & Ramsey | 6 25 |
| W. H. Childs | 2 50 |
| H. W. Owen | 5 00 |
| W. T. Morgan | 8 75 |
| | $110 25 |

A motion to adjourn was lost.

Mr. Gibbs moved to postpone until to-morrow at 9 o'clock, A. M.;

Which was laid on the table.

Mr. Fitzhugh moved to adjourn;

Which was lost.

Mr. Clarke moved the previous question;

Which was sustained;

And the resolution offered by Mr. Parsons was adopted.

Mr. Castello moved to adjourn;

Which was carried.

The Convention adjourned to meet to-morrow morning at 9 o'clock.

T. P. Sears,
*Secretary.*

## ONE HUNDRED AND TENTH DAY.

Jackson, Miss., Wednesday, May 13th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alcorn, Alderson, Ballard, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Chappell, Clarke, Combash, Conley, Cunningham, Drane, Fawn, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Jacobs, Jamison, Johnson A., Lawson, Leas, Leonard, Mayson Mask, Musgrove, Moore, Morgan, Mygatt, McKnight, Nelms, Newsom, Niles, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Powell, Quinn, Railsback, Richardson, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Warren, Williams, Woodmansee, and Yeoman—56.

The following delegates were absent:

Messrs. Beam, Chapman, Collins, Dowd, Elliott John, Elliott James, Field, Holland, Howe, Hutto, Johnson S., Jones, Kerr, Lack, McKee, Miles, Myers, Neilson, Orr, Peyton E. G., Rainey, Smith, Walker, and Weir—25.

Upon motion of Mr. Cunningham, the reading of the Journal was dispensed with.

The minority of the Select Committee on Removal of the State Capitol, made the following report:

*To the President and Members of Constitutional Convention:*

The undersigned members of the committee on Removal of the State Capitol respectfully beg leave to present the following minority report:

We are opposed to the removal of the Capitol for the following reasons:

1. The present location of the capitol at Jackson is not more than twenty-five miles from the geographical center of the State.
2. Kosciusko, the proposed location, is as far from the geographical center as Jackson.
3. Kosciusko is twenty to twenty-five miles from any railroad.
4. Our system of railroads affords better facilities for the people to communicate with the Capitol at Jackson, than would be afforded, provided the Capitol was removed to any other point.
5. The people of a State are better accommodated as a general thing, with the capitol located at the commercial, rather than the geographical center of the State.

Therefore we deem any action on the part of this Convention for the removal of the Capitol from Jackson, as inexpedient and unnecessary.

Respectfully submitted,

CARLOS CHAPMAN,
PERES BONNEY,
BENJ. H. ORR.

Report received.

The Committee to whom was referred the question of the Excess of Tax collected by the Sheriff of Noxubee county, made the following report:

*To the President and Members of the Constitutional Convention:*

Your committee to whom was referred the question of the excess of the tax collected by the Sheriff of Noxubee county, over and above the amount authorized by the ordinance of this Convention beg leave to report as follows:

That they have investigated the matters submitted to their consideration, and find that under a misconstruction of the ordinance authorizing the levy and collection of a tax to pay the expenses of this Convention, Charles M. Thomas, Sheriff and Tax Collector of Noxubee county, collected the sum of three hundred and fifty dollars and thirty-six cents, and has accounted for same in his settlement with the Auditor and Treasurer of the State on polls and gross sales, most of which is alleged and believed to have been refunded to the tax payers from whom it was collected. Your committee would respectfully recommend that the Auditor of Public Accounts be authorized and required to issue a warrant upon the Treasury of this State, in favor of said Charles M. Thomas, for the sum so collected and refunded, upon the said Thomas complying with the terms of the ordinance hereinafter recommend to be passed.

They would further recommend the adoption and passage of a general ordinance applicable to similar cases, and suggest the following:

### AN ORDINANCE FOR THE RELIEF OF TAX COLLECTORS OF THE CONVENTION TAX.

SECTION 1. *Be it ordained by the people of the State of Mississippi, in Convention assembled,* That it shall be the duty of the Auditor of Public Accounts to issue a warrant, or warrants, in favor of any Tax Collector of the Convention tax, who may have improperly collected any moneys from the tax payers of his county under a misconstsuction of the ordinance passed by this Convention, authorizing the levy and collection of a tax to defray the expenses of this Convention; *Provided,* Said Tax Collector shall produce to the Auditor the evidence hereinafter required, that the moneys so improperly collected, have been refunded to the persons by whom they were paid to said Tax Collector.

SEC. 2. *Be it further ordained,* That the proof required in the cases provided for in the first section of this ordinance shall be a detailed statement of the various sums improperly collected; the names of the persons from whom they may have been collected, and to whom refunded, and the amount refunded, verified by the following affidavit made before some officer legally authorized to administer an oath·

"I, A B, Collector of the Convention, for the county of ...., do solemnly swear, that the foregoing statement of moneys improperly collected by me under the ordinance authorizing said tax, and refunded to the persons from whom collected, is true and correct as therein stated."

Sworn to and subscribed before me, etc.

SEC. 3. *Be it further ordained,* That the provisions of this ordinance shall not extend to any Tax Collector who shall not have accounted for the moneys so improperly collected in his settlements with the Auditor and Treasurer of this State.

SEC. 4. *Be it further ordained,* That this ordinance shall be in full force and effect from and after its passage.

J. RAILSBACK, *Chairman.*
JASON NILES,
W. A. HUTTO,
*Committee.*

Report received.

Mr. Niles moved to suspend the rules and put the ordinance upon its first reading;

Which was carried.

And the ordinance passed its first reading.

Mr. Niles moved to further suspend the rules and put the ordinance on its second reading.

Mr. Herbert moved to amend by inserting the following as an additional section:

SEC. —. *Be it further ordained,* That the Auditor shall report the amounts for which he shall have issued his warrants under this ordinance, together with the evidence upon which the same were issued, to the first regular session of the Legislature.

Accepted by Mr. Niles.

Mr. Hauser moved to table;

Which was carried.

Mr. Niles moved to defer the further consideration of the ordinance until to-morrow;

Which was carried.

Mr. Fitzhugh moved to suspend the rules, to enable Mr. Stovall to introduce a resolution;

Which was carried.

Mr. Stovall offered the following:

WHEREAS, Tse resolution authorizing the appointment of the standing committee on Elections, contemplated the appointment of one member of said committee from each Congressional District, and two from the State at large; and

*Whereas*, It is highly important that there should be a member of said committee resident in each Congressional District, that the committee can thereby be furnished with correct and reliable data which will enable them to correct abuses and suggest reforms; therefore, be it

*Resolved*, That the President be directed to appoint two additional members on said committee for the State at large, one of which shall be a resident of the Second Congressional District.

Mr. Castello moved to amend as follows:

Strike out the words, "the President appoint." and insert the words, "the Convention shall elect."

Mr. Handy moved to lay the resolution and amendment on the table.

On a division of the question, the motion to table the amendment was lost;

And so much as related to tabling the resolution was lost.

Mr. Fitzhugh moved the previous question;

Which was not sustained.

And the subject lies over.

Mr. Orr offered the following:

*Resolved*, That a committee of three be appointed by the President for the purpose of conferring with the State Treasurer, in order to ascertain the amount of taxes collected under the ordinance of this Convention by the Sheriffs of the several counties and paid into the State Treasury, and that they report as early as possible, giving the exact amount as returned from each county separately;

Which was adopted.

The President appointed under the above resolution, the following delegates as a committee:

Mr. Mask, of Tishomingo;

Mr. Cunningham, of Madison;

Mr. Morgan, of Yazoo.

The committee on Contingent Expenses made the following report:

*To the President and Members of the Convention:*

The committee on Contingent Expenses, to whom was referred the annexed account, would respectfully report that no authority can be found in the proceedings of the Convention authorizing the service of legal men to defend injunction on suit against Tax Ordinance, and cannot recommend it to the favorable consideration of the Convention.

Respectfully,
U. Ozanne, *Chairman.*
W. H. Gibbs,
J. Railsback,
Jno. C. Brinson,
*Committee.*

The account alluded to is for services rendered in injunction case before the Hon. R. A. Hill, as claimed by Messrs. Adams and Morris, attorneys, and amount charged being $200 00.

And the committee on Contingent Expenses submitted the following as an additional report:

Mr. President: The committee on Contingent Expenses, to whom was referred the annexed accounts, would respectfully report that after a careful examination, they have found said accounts correct, and would recommend the same to be allowed.

Respectfully,
U. Ozanne,
*Chairman.*
W. H. Gibbs,
J. Railsback,
John C. Brinson,
*Committee.*

Bill No. 1 is for postage, paid upon documents, etc., and warrant ordered to be drawn in favor of Nelson G. Gill, Sergeant-at-Arms, $34 30.

Bill No. 2 is account of B. H. Orr, for expenses incurred in visiting Vicksburg upon business of this Convention, and amounts to $15 00.

Bill No. 3 is for copies of sundry papers, to-wit: *Vicksburg Times*, *Vicksburg Herald*, and *New Orleans Republican*, amounting to $68 40.

Warrant ordered to be drawn in favor of Nelson G. Gill, Sergeant-at-Arms.

Bill No. 4 is for expenses incurred by N. G. Gill, Sergeant-at-Arms, in purchasing brooms, gum arabic, paying for repairs of keys, locks, and express charges on packages of papers for the Convention, $ 3 30.

Bill No. 5 is for 1,200 copies of the *Vicksburg Republican*, at ten cents per copy, amounting to $120.

Bill No. 6 is for amount due the *Clarion* office for papers furnished, book of lithograph warrants, and enrolling paper, amounting to $251 50.

Bill No. 7 is for stationery purchased of Messrs. Eyrich & Co., amounting to $113 75.

Upon motion, the report was adopted and warrants ordered to be drawn in payment thereof.

Mr. Niles moved to suspend the rules to enable himself and Mr. Castello to introduce ordinances;

Which was carried.

Mr. Niles offered the following:

### AN ORDINANCE RESCINDING AND ANNULLING SO MUCH OF AN ORDINANCE PASSED ON THE SIXTH DAY OF APRIL, 1868, ENTITLED "AN ORDINANCE CREATING CERTAIN NEW COUNTIES, AND FOR OTHER PURPOSES," AS RELATES TO CREATING THE COUNTY OF CLAY, AND MAKES DURANT THE SEAT OF JUSTICE OF SAID CLAY COUNTY.

*Be it ordained by the people of the State of Mississippi, in Convention assembled,* That so much of said above recited ordinance, passed on the sixth day of April, 1868, as creates the county of Clay, and makes Durant the seat of justice of said Clay county, including the fifth and sixth sections, is hereby rescinded and annulled.

Mr. Niles moved to suspend the rules and put the ordinance on its first reading;

Which was carried.

Mr. Stringer moved to indefinitely postpone the further consideration of the same;

Which was carried, by the following vote:

YEAS—Messrs. Alcorn, Barry, Bonney, Brinson, Caldwell, Castello, Dowd, Drane, Fitzhugh, Herbert, Hauser, Jacobs, Johnson A., Lawson, Leonard, Mayson, Mask, Moore, Morgan, Myers, Newsom, Orr, Ozanne, Peyton E. A., and Stringer—25.

NAYS—Messrs. Alderson, Clarke, Combash, Cunningham, Gibbs, Jamison, Lack, Leas, Mygatt, Niles, Parsons F., Powell, Quinn, Railsback, Richardson, Stewart, Stites, Toy, Warren, Weir, Williams, Woodmansee, and Yeoman—23.

Mr. Castello offered the following ordinance:

### AN ORDINANCE FOR THE RELIEF OF SOLOMON UNGER, OF CLAIBORNE COUNTY, MISSISSIPPI.

WHEREAS, Some doubts exist as to the age of the said Solomon Unger; and

*Whereas,* The said Solomon Unger is desirous of having the disability of his minority removed, if any exist, and of settling all doubts as to his right to exercise all the rights and privileges of full age; therefore,

*Be it ordained by the people of the State of Mississippi, in Convention assembled,* That Solomon Unger, of Claiborne county, State of Mississippi, is hereby relieved of all the political and civil disabilities, real or supposed, except as to the right of voting; and that he is hereby authorized to do and perform all acts of citizenship except as to voting, as though he were of full age; *Provided*, That when the doubts above expressed are removed, the said Solomon Unger shall enjoy all the rights and privileges of a citizen of full age.

Upon motion, the rules were suspended, and the ordinance passed its first reading.

And upon a further suspension of the rules, the ordinance was placed upon its second reading.

Mr. Ozanne moved to amend as follows: Add "Henry Ozanne, Emile Ozanne, Alfred Ozanne, Paul Ozanne," so that their disabilities may be removed for the purpose of transacting business.

Mr. Hauser moved to table the amendment;

Which was carried.

And the motion to table the ordinance was lost, by the following vote:

YEAS—Messrs. Brinson, Conley, Herbert, Lawson, Niles, Orr, Ozanne, Parsons F., Quinn, Warren, and Woodmansee—11.

NAYS—Messrs. Alderson, Bonney, Alcorn, Caldwell, Castello, Clarke, Combash, Dowd, Fitzhugh, Gibbs, Hauser, Jacobs, Jamison, Johnson A., Lack, Leas, Leonard, Mask, Musgrove, Moore, Myers, Mygatt, McKnight, Peyton E. A., Powell, Railsback, Richardson, Stringer, Stiles, Toy, Williams, and Yeoman—32.

And the ordinance passed its second reading.

Mr. Castello moved a further suspension of the rules to place the ordinance on its third reading;

Which was carried.

Mr. Ozanne moved to go into Committee of the Whole to consider the ordinance.

Mr. Fitzhugh moved to table;

Which was carried.

And the ordinance passed its third reading, and reads as above.

The following was the vote:

YEAS—Messrs. Alcorn, Ballard, Bonney, Caldwell, Castello, Chappell, Clarke, Combash, Dowd, Fitzhugh, Gibbs, Hauser, Jacobs, Jamison, Johnson A., Lawson, Leas, Leonard, Mayson, Mask, Moore, Mygatt, McKee, McKnight, Peyton E. A., Powell, Railsback, Richardson, Stewart, Stringer, Stiles, Yeoman—32.

NAYS—Messrs. Barry, Brinson, Conley, Drane, Herbert, Lack, Musgrove, Morgan, Myers, Niles, Orr, Ozanne, Parsons F., and Warren—14.

And the Ordinance was referred to the committee on Enrollment.

Leave of absence was granted to Mr. Field, from day to day.

Mr. Alcorn moved to suspend the rules, to enable himself, Mr. Herbert, and Mr. E. A. Peyton to introduce a resolution:

*Resolved*, That the rules be suspended, and that the balance of the day be devoted to the consideration of resolutions.

A motion to table the above was lost.

Mr. Fitzhugh moved to indefinitely postpone;

Which was carried.

Mr. Gibbs moved to table.

Mr. Fitzhugh moved to reconsider; which was carried.

Convention adjourned to meet at 3 o'clock, P. M.

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Bonney, Bridges, Caldwell, Castello, Clarke, Cunningham, Dowd, Fitzhugh, Gibbs, Handy, Hauser, Jacobs, Jamison, Johnson A., Lack, Lawson, Leas, Leonard, Mask, Musgrove, Moore, Morgan, Myers, Mygatt, McKnight, Newsom, Niles, Orr, Ozanne, Parsons F., Peyton E. A., Railsback, Richardson, Stewart, Stites, Stovall, Stringer, Stiles, Warren, Weir, Williams, Woodmansee, and Yeoman—48.

The following delegates were absent:

Messrs. Beam, Brinson, Chappell, Chapman, Collins, Combash, Conley, Drane, Elliott John, Elliott James, Fawn, Field, Herbert, Holland, Howe, Hutto, Johnson S., Jones, Kerr, Mayson, Miles, McKee, Neilson, Nelms, Powell, Parsons J. R., Peyton E. G., Quinn, Rainey, Smith, Toy, and Walker—32.

Mr. Alcorn moved to suspend the rules, to enable himself and Mr. E. A. Peyton to introduce resolutions, and Mr. Cunningham a report;

Which was carried.

Mr. Alcorn offered the following:

*Resolved*, That the Constitution framed by this Convention, be inserted in the *Grenada Sentinel*, for the same length of time, and at the specified rate of compensation as allowed other papers designated for that purpose.

Mr. Morgan moved the previous question,

Which was sustained;

And the resolution was adopted, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Barry, Bonney, Brinson, Castello, Clarke, Dowd, Fitzhugh, Handy, Hauser, Herbert, Jacobs, Jamison, Johnson A., Lawson, Leonard, Mayson, Moore, Morgan, Myers, Mygatt, Newsom, Richardson, Stovall, Stringer, Stiles, Williams, Woodmansee, and Yeoman—30.

NAYS—Messrs. Ballard, Conley, Caldwell, Cunningham, Gibbs, Lack, Leas, Mask, Musgrove, McKnight, Niles, Ozanne, Parsons F., Powell, Stewart, Stites, Warren, and Weir—18.

The special committee appointed to confer with the State Auditor, etc., reported as follows:

MR. PRESIDENT: Your committee appointed to confer with the State Auditor and report the several amounts received by him from the various Sheriffs of the State, would respectfully submit the following report:

H. MASK,
A. T. MORGAN,
W. B. CUNNINGHAM,
*Committee.*

The amounts received by the State Treasurer from the various Tax Collectors up to this date are as follows:

| | | |
|---|---|---|
| County of Adams | $ 4,822 | 18 |
| County of Amite | 2,482 | 37 |
| County of Atttala | 1,508 | 43 |
| County of Bolivar | | |
| County of Calhoun | 1,380 | 23 |
| County of Carroll | 2,135 | 63 |
| County of Chickasaw | | |
| County of Choctaw | 1,162 | 69 |
| County of Claiborne | 2,545 | 74 |
| County of Clarke | 644 | 13 |
| County of Coahoma | | |
| County of Copiah | 3,352 | 31 |
| County of Covington | | |
| County of Davis | | |
| County of DeSoto | 3,407 | 17 |
| County of Franklin | 1,095 | 03 |
| County of Greene | 102 | 53 |
| County of Hancock | | |
| County of Harrison | | |
| County of Hinds | 6,341 | 07 |
| County of Holmes | | |
| County of Issaquena | 621 | 14 |
| County of Itawamba | | |
| County of Jackson | | |
| County of Jasper | 474 | 52 |
| County of Jefferson | 1,885 | 82 |
| County of Kemper | | |
| County of Lafayette | 2,283 | 31 |
| County of Lauderdale | 2,144 | 11 |
| County of Lawrence | 2,171 | 28 |
| County of Leake | 497 | 91 |
| County of Lee | 814 | 69 |
| County of Lowndes | | |
| County of Madison | | |
| County of Marion | | |
| County of Marshall | 5,255 | 52 |
| County of Monroe | 1,735 | 26 |
| County of Neshoba | | |
| County of Newton | 1,219 | 07 |
| County of Noxubee | 4,799 | 64 |
| County of Oktibbeha | 1,221 | 35 |
| County of Panola | 3,278 | 42 |
| County of Perry | | |
| County of Pike | 439 | 40 |
| County of Pontotoc | 832 | 28 |
| County of Rankin | 1,284 | 01 |
| County of Scott | 446 | 25 |
| County of Simpson | 816 | 18 |
| County of Smith | 733 | 93 |
| County of Sunflower | | |

| | |
|---|---|
| County of Tallahatchie | $ 1,328 84 |
| County of Tippah | 1,517 92 |
| County of Tishomingo | 2,267 69 |
| County of Tunica | |
| County of Warren | 4,906 16 |
| County of Washington | 1,603 57 |
| County of Wayne | |
| County of Wilkinson | 1,994 94 |
| County of Winston | 711 27 |
| County of Yalobusha | 5,922 84 |
| County of Yazoo | 3,691 47 |
| Total | $87,795 65 |

From the following nineteen counties no reports have been made:

Bolivar, Chickasaw, Coahoma, Covington, Davis, Hancock, Harrison, Holmes, Itawamba, Jackson, Kemper, Lowndes, Madison, Marion, Neshoba, Perry, Sunflower, Tunica, and Wayne.

The following counties have sent informal reports which have been returned for correction:

Tunica, Lowndes, Wayne, and Calhoun.

Report received.

Mr. Gibbs offered the following:

*Resolved*, That a certified copy of this report be furnished to the General commanding the Fourth Military District for his information.

Mr. Herbert moved to amend as follows:

And that the special attention of the Commanding General be called to the delinquent counties, and that he be requested to have the Tax Ordinance aforesaid enforced forthwith.

Resolution adopted as amended.

Mr. Peyton, of Hinds, offered the following:

WHEREAS, In accordance with the expressed wishes of the people of Hinds county, in Convention assembled at Raymond, May 11th, 1868, the voters and tax payers throughout the State are entitled to, and should be furnished by this Convention with a copy of the new Constitution as ordered to be printed in pamphlet form; therefore, be it

*Resolved*, That 100,000 copies be printed for this distribution.

Mr. Cunningham moved to amend by striking out 100,000 and inserting 10,000.

Mr. Herbert offered the following as an amendment to the amendment:

Amend by striking out 10,000, and inserting 20,000.

And under the operation of the previous question, moved by Mr. Hauser, and sustained,

The amendment to the amendment was adopted, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Ballard, Bonney, Bridges, Brinson, Caldwell, Castello, Clarke, Dowd, Drane, Fitzhugh, Gibbs, Hauser, Herbert, Jacobs, Jamison, Johnson A., Lack, Lawson, Leas, Leonard, Mayson, Moore, Morgan, Myers, McKnight, Niles, Orr, Parsons F., Powell, Stewart, Stringer, Stiles, Toy, Warren, Williams, Woodmansee, and Yeoman—39.

NAYS—Messrs. Conley, Cunningham, Handy, Musgrove, Mygatt, Newsom, Ozanne, Peyton E. A., Richardson, and Stovall—10.

And the resolution was adopted as amended.

Mr. Morgan moved to reconsider.

Mr. Castello moved to table;

Which was lost.

And under the operation of the previous question, moved by Mr. Fitzhugh and sustained, the motion to reconsider was carried.

Mr. Fitzhugh offered the following, as an amendment:

Strike out all after the word "resolved," and insert as follows: "That 20,000 copies of the Constitution framed by this Convention, be printed for distribution among the voters of the different counties in this State."

Mr. Orr moved to strike out the words "twenty thousand," and insert the words "fifty thousand."

Mr. Castello moved the previous question,

Which was sustained;

And the amendment to the amendment offered by Mr. Orr, was lost, by the following vote:

YEAS—Messrs. Bonney, Bridges, Brinson, Johnson A., Mayson, Mygatt, Orr, and Peyton E. A.—8.

NAYS—Messrs. Alderson, Alcorn, Caldwell, Castello, Clarke, Combash, Dowd, Drane, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Jacobs, Lawson, Leas, Leonard, Musgrove, Moore, McKnight, Newsom, Niles, Ozanne, Parsons J. R., Powell, Railsback, Richardson, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Warren, Williams, Woodmansee, and Yeoman—37.

And the amendment was adopted, by the following vote:

YEAS—Messrs. Alcorn, Barry, Bonney, Bridges, Brinson, Caldwell, Castello, Clarke, Combash, Cunningham, Dowd, Fitzhugh, Gibbs, Hauser, Herbert, Jacobs, Jamison, Lawson, Leas, Leonard, Moore, Morgan, Mygatt, Newsom, Orr, Parsons F., Peyton E. A., Powell, Railsback, Richardson, Stiles, Stringer, Stites, Toy, Weir, Williams, Woodmansee, and Yeoman—39.

NAYS—Messrs Johnson A., Mayson, Musgrove, Niles, Ozanne, Stovall, add Warren—7.

And the resolution as amended, reads as follows:

WHEREAS, In accordance with the expressed wishes of the people of Hinds county, in Convention assembled at Raymond, May 11th, 1868, the voters and tax payers throughout the State are each entitled to, and should be furnished by this Convention with a copy of the New Constitution ordered to be printed in pamplet form; therefore, be it

*Resolved*, That 20,000 copies of the Constitution framed by this Convention, be printed for distribution among the voters of the different counties in this State.

Mr. Peyton moved to reconsider.

Mr. Orr moved to table;

Which was carried.

Mr. Orr moved to reconsider the vote indefinitely postponing the ordinance relating to Clay county, introduced this morning.

A motion to table was lost.

Mr. Hauser moved the previous question,

Which was not sustained;

And the subject lies over.

Mr. Morgan moved to suspend the rules to further consider the matter.

Mr. Fitzhugh moved to table;

Which was lost.

Mr. Fitzhugh moved the previous question;

Which was not sustained.

And the motion to suspend the rules lies over.

Mr. Castello moved to suspend the rules to permit the committee on Enrollment to make a report, and Mr. Leonard to introduce a resolution.

Mr. Fitzhugh moved the previous question, which was not sustained; and the motion lies over.

A motion to adjourn was lost.

Mr. Morgan moved to suspend the rules, to enable him to introduce a resolution.

Pending action on the same, the Convention adjourned to meet to-morrow morning at 9 o'clock.

T. P. Sears,
*Secretary.*

## ONE HUNDRED AND ELEVENTH DAY.

Jackson, Miss., Thursday, May 14th, 1868.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Conley, Dowd, Drane, Fawn, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Jacobs, Jamison, Johnson A., Lack, Lawson, Leas, Leonard, Mayson, Mask, Musgrove, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Niles, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Powell, Quinn, Railsback, Richardson, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Warren, Williams, Woodmansee, and Yeoman—57.

The following delegates were absent:

Messrs. Alcorn, Collins, Combash, Cunningham, Elliott John, Elliott James, Field, Holland, Howe, Hutto, Johnson S., Jones, Kerr, Miles, Neilson, Nelms, Newsom, Orr, Peyton E. G., Rainey, Smith, Walker, and Weir—23.

Mr. Castello moved that the rules be suspended to enable him and Mr. Herbert to introduce resolutions;

Which was carried.

Mr. Castello offered the following:

WHEREAS, The *Vicksburg Republican* commenced printing the debates of the Convention, under the impression that the same was ordered by the printing ordinance, and continued the same until stopped by the Committee on Printing; and

*Whereas*, The publishers claim compensation for the same; therefore, be it

*Resolved*, That the Committee on Printing be and is hereby directed to allow the account.

Which was adopted, by the following vote:

YEAS—Messrs. Barry, Brinson, Castello, Chapman, Chappell, Clarke, Conley, Cunningham, Dowd, Drane, Fawn, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Jacobs, Johnson A., Lawson, Leas, Leonard, Moore, Morgan, Myers, Mygatt, McKnight, Newsom, Parsons F., Parsons J. R., Peyton, Powell E. A., Quinn, Railsback, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Williams, Woodmansee, and Yeoman—42.

NAYS—Messrs. Ballard, Beam, Mask, Musgrove, Niles, Orr, Ozanne, Richardson, Warren, and Weir—10.

And the account is as follows:

JACKSON, May 12th, 1868.

*Mississippi Constitutional Convention,*

*To Vicksburg Republican,* DR.

To publishing debates of the Convention, to include 109th day, 2,976 squares, at 75 cents per square..$1,482 00

Mr. Castello offered the following:

*Resolved*, That five thousand copies of the Journal of this Convention be printed as soon as possible after the Constitution is signed, and that the Committee of Five, appointed by the Convention, distribute the same to the several members of the Convention.

Mr. Herbert moved to amend by making the resolution read, that the proceedings and debates be published together, in proper order, and that two thousand five hundred copies be inserted instead of five thousand.

Mr. Fitzhugh moved to amend the amendment by striking out 2,500 and inserting 5,000.

Mr. F. Parsons moved to refer the resolutions and amendments thereto to a special committee of three.

Mr. Clarke moved to table; which was carried.

And the amendment to the amendment was laid on the table.

Mr. Clarke moved to strike out all relating to debates.

Mr. Gibbs moved the previous question,

Which was sustained;

And the motion to strike out was carried.

And the resolution, as amended, was adopted.

Mr. Parsons, of Adams, moved to reconsider.

Mr. Castello moved to table;

Which was carried.

Mr. Castello introduced the following:

*Resolved*, That the Auditor of this Convention be directed to procure a set of books, and transcribe the accounts of the Convention into the same, and file said books, when completed, with the Auditor of the State, and that the committee of Five, appointed by this Convention be authorized to audit an account to pay said Convention Auditor for said services, not to exceed thirty days, at $8 per day.

And under the operation of the previous question, moved and sustained, the resolution was lost, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Bonney, Caldwell, Castello, Chapman, Combash, Dowd, Drane, Fitzhugh, Herbert, Morgan, Myers, Mygatt, Orr, Parsons F., Peyton E. A., Railsback, Stringer, Stiles, Toy—21.

NAYS—Messrs. Ballard, Beam, Bridges, Brinson, Chappell, Clarke, Conley, Cunningham, Fawn, Gibbs, Handy, Hauser, Johnson A., Lawson, Leas, Leonard, Musgrove, McKnight, Newsom, Niles, Ozanne, Powell, Richardson, Stewart, Stites, Warren, Weir, Woodmansee, Yeoman—29.

Mr. Castello offered the following:

*Resolved*, That the standing committee on Printing be instructed to make their final report to-morrow morning.

Which was adopted.

Mr. Castello offered the following:

*Resolved*, That there be printed (as additional numbers), bound in leather, three hundred copies of the Journal of the proceedings of this Convention; two hundred copies to be deposited with the Secretary of State for the public archives of the State, and one copy to be delivered to each member of this Convention.

Mr. Musgrove moved to amend as follows:

Strike out the words "three hundred," and insert the words "two hundred."

Mr. Hauser offered the following as an amendment to the amendment:

Strike out the words "two hundred," and insert the words "five hnndred;"

Which was laid on the table.

And under the operation of the previous question, moved by Mr. Castello, and sustained, the amendment was lost.

And the resolution was adopted.

Mr. Herbert offered the following resolution:

*Resolved*, That 2,000 copies of the report of the committee on the Proclamation of Governor Humphreys, on the supposed or imaginary insurrection, be printed in pamphlet form, for distribution amongst the people, and that the printing thereof be given to the publishers of the *Pilot* newspaper; and also, that the said report be published in said paper;

And under the operation of the previous question, moved by Mr. Hauser, and sustained, the resolution was adopted, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Bonney, Bridges, Brinson, Caldwell, Chapman, Chappell, Clarke, Cunningham, Drane, Handy, Hauser, Herbert, Johnson A., Lawson, Leas, Moore, Morgan, Mygatt, McKnight, Newsom, Orr, Peyton E. A., Powell, Quinn, Stewart, Stiles, Stovall, Stringer, Stites, Toy, Warren, Williams, and Yeoman—35.

NAYS—Messrs. Ballard, Beam, Conley, Dowd, Fitzhugh, Gibbs, Mask, Musgrove, Myers, Niles, Railsback, Richardson, and Weir—13.

The following report from the committee on Enrollment, was submitted by their chairman:

MR. PRESIDENT—Your committee on Enrollment have examined an Ordinance for the relief of Solomon Unger, and have instructed me to report that they find it correctly enrolled.

JAMES WEIR,
*Chairman.*

Report received.

The committee on Enrollment made the following additional report:

MR. PRESIDENT—Your committee on Enrollment have examined two copies of the Constitution, Nos. 1 and 2, as adopted by the Convention, as a whole, and respectfully report that they find the same correctly enrolled.

JAMES WEIR, *Chairman.*
M. T. NEWSOM,
A. T. MORGAN,
W. B. CUNNINGHAM,
*Committee.*

Report received.

Mr. Weir moved that the Constitution be signed by the delegates of the Convention, at 3 o'clock, this P. M.

Mr. Orr moved to amend, as follows:

That the signing of the Constitution be made the special order of the day for 12 o'clock, Saturday next.

Mr. Hauser moved to lay on the table;

Which was lost.

And under the operation of the previous question, moved by Mr. Ozanne, and sustained, the amendment was adopted, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Barry, Bonney, Caldwell, Chapman, Chappell, Conley, Drane, Fawn, Fitzhugh, Gibbs, Handy, Herbert, Jacobs, Johnson A., Lawson, Morgan, Mygatt, McKnight, Orr, Ozanne, Peyton E. A., Railsback, Stiles, Stovall, Stites, and Woodmansee—28.

NAYS—Messrs. Ballard, Beam, Bridges, Brinson, Clarke, Cunningham, Dowd, Hauser, Leas, Mask, Musgrove, Moore, Myers, Newsom, Parsons F., Powell, Quinn, Richardson, Stewart, Stringer, Toy, Warren, Weir, Williams, and Yeoman—25.

And the resolution as amended was lost, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Barry, Bonney, Caldwell, Chapman, Chappell, Conley, Drane, Handy, Herbert, Jamison, Johnson A., Morgan, Mygatt, McKnight, Niles, Orr, Ozanne, Peyton E. A., Railsback, Stiles, Stovall, Stites, and Woodmansee—24.

NAYS—Messrs. Ballard, Beam, Bridges, Brinson, Clarke, Cunnigham, Dowd, Fawn, Fitzhugh, Gibbs, Hauser, Jacobs, Lawson, Leas, Mask, Musgrove, Moore, Myers, Newsom, Parsons F., Powell, Richardson, Stewart, Stringer, Toy, Warren, Weir, Williams, and Yeoman—29.

The committee on Contingent Expenses submitted the following report:

MR. PRESIDENT: Your Committee on Contingent Expenses would respectfully recommend that the annexed bills be allowed, as the same upon due investigation have been found correct.

Respectfully,
U. OZANNE, *Chairman.*
W. H. GIBBS,
S. C. CONLEY,
J. RAILSBACK,
JOHN C. BRINSON,
*Committee.*

Bill No. 1 is for expenses incurred in purchasing water buckets, ice dippers, etc., as per order of the Convention, amounting to $25 70, and warrant ordered to be drawn in favor of Nelson G. Gill, Sergeant-at-Arms.

Bill No. 2 is for paper cases purchased of T. D. Pace, amounting to $1 95.

Under a suspension of the rules, report received, and warrants ordered to be issued as above stated.

The special committee appointed to confer with State Auditor and State Treasurer, made the following report:

MR. PRESIDENT: Your committee appointed to confer with the State Auditor and State Treasurer, as to the labor and expense those two officers will be put to on account of the duties imposed upon them, by reason of the levy and collection of the tax assessed by this Convention, would respectfully report that said officers will be occupied for several months in the discharge of the duties as above stated, and that they are compelled to neglect the regular duties of their office in order to meet the demands of this Convention, and your committee would further report that they have examined the books of the Auditor and Treasurer, and collected all the information which they could as what would be a reasonable compensation to each of them; and to the State Auditor, we would recommend that he be allowed the sum of three ($300) dollars, per month from the 1st day of March, A. D. 1868; and to the State Treasurer a like compensation, commencing at the same time, and in neither case to exceed the period of six months. This your committee believes to be a fair compensation, and would recommend that it be paid.

Respectfully,
A. Alderson, *Chairman.*
W. H. Gibbs,
E. J. Castello,
*Committee.*

Report received.

Mr. Parsons, of Adams, moved to amend as follows, and that warrant be drawn by the State Auditor to pay the same at the end of each month.

Mr. Fawn offered the following as an amendment to the amendment:

Insert the words "one hundred dollars per month," instead of the words "three hundred dollars;"

And the amendment to the amendment was lost.

Mr. Mygatt offered the following as an amendment to the amendment:

Strike out the words "three hundred dollars," and insert the words "two hundred dollars per month;"

Which was laid on the table.

And under the operation of the previous question, moved by Mr. Castello, and sustained, the amendment of Mr. Parsons was adopted;

And the resolution, as amended, was adopted, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Bonney, Beam, Brinson, Castello, Chapman, Chappell, Cunningham, Dowd, Drane, Hauser, Herbert, Jacobs, Jamison, Mayson, Myers, Mygatt, Niles, Orr, Parsons F., Railsback, Stovall, Stiles, Toy, Yeoman—26.

Nays—Messrs. Bridges, Clarke, Conley, Fitzhugh, Gibbs, Handy, Johnson A., Lawson, Leas, Leonard, Musgrove, Morgan, McKnight, Newsom, Peyton E. A., Powell, Richardson, Stewart, Stringer, Warren, Weir, Williams, Woodmansee—23.

Mr. Gibbs, of Wilkinson, offered the following:

Whereas, It has come to the knowledge of this Convention that Gen. A. C. Gillem, commanding this District, has directed the Sheriffs of the several counties not to collect the taxes levied upon the railroads in this State, contrary to the provisions of the Tax Ordinance; therefore, be it

*Resolved*, That Benj. H. Orr, of Harrison county, be instructed to proceed to Vicksburg and confer with the General Commanding, in reference to the collection of said taxes.

The previous question called, call sustained, and the resolution was adopted.

Mr. Castello offered the following:

*Resolved*, That from and after Friday, May 15th, 1868, the members of this Convention shall not be entitled to any further per diem;

Which was adopted.

Mr. Warren moved that the report of the committee on the removal of political disabilities, be made the special order for 3 o'clock, P. M., this day;

Which was carried.

Mr. Fitzhugh offered the following:

*Resolved*, That the signing of the Constitution framed by this Convention, be made the special order of the day for to-morrow morning at 9 o'clock.

Mr. Weir moved to amend by fixing the time at 4 o'clock, P. M., this day.

A motion to adjourn was lost.

Mr. Castello moved the previous question,

Which was sustained;

And the motion of Mr. Fitzhugh was carried.

And the amendment was lost.

And the resolution of Mr. Gibbs was lost.

Mr. Castello moved to reconsider the vote awarding compensation to the State Auditor and Treasurer;

Which was carried.

Mr. Gibbs moved to indefinitely postpone the further consideration of the subject.

Mr. Fitzhugh moved the previous question,

Which was sustained;

And under the operation thereof, the motion to indefinitely postpone was carried.

Convention adjourned to meet this evening at 3 o'clock.

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Barry, Beam, Bonney, Bridges, Caldwell, Castello, Clarke, Conley, Cunningham, Dowd, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Jacobs, Jamison, Johnson A., Lawson, Leas, Leonard, Mayson, Mask, Musgrove, Morgan, Myers, McKee, McKnight, Newsom, Niles, Ozanne, Parsons F., Powell, Railsback, Richardson, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Warren, Weir, Williams, and Yeoman—48.

The following delegates were absent:

Messrs. Ballard, Brinson, Chapman, Chappell, Collins, Combash, Drane, Elliott, John, Elliott James, Fawn, Field, Holland, Howe, Hutto, Johnson S., Jones, Kerr, Lack, Miles, Moore, Mygatt, Neilson, Nelms, Orr, Parsons J. R., Peyton E. A., Peyton E. G., Quinn, Rainey, Smith, Walker, Woodmansee—32.

Mr. Castello moved to reconsider the vote in relation to per diem, passed this morning.

Mr. Beam moved to table; which was lost.

Mr. Castello moved the previous question,
Which was sustained;

And the motion to reconsider was carried, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Barry, Bonney, Caldwell, Castello, Conley, Clarke, Drane, Herbert, Jacobs, Johnson A., Lawson, Leas, Leonard, Mayson, Moore, McKnight, Newsom, Niles, Railsback, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Woodmansee, Yeoman—29.

NAYS—Messrs. Ballard, Beam, Bridges, Cunningham, Dowd, Fitzhugh, Hauser, Jamison, Mask, Musgrove, Mygatt, McKee, Ozanne, Parsons, Powell, Richardson, Warren, Weir, and Williams—20.

Mr. Parsons introduced the following ordinance:

WHEREAS, Gen. Alvin C. Gillem, commanding the Fourth Military District, did, on the 25th day of April, 1868, without first consulting this Convention, issue his orders to the Auditor of the State, directing him to stop the collection of the tax levied by this Convention upon the railroads of this State, thereby releasing from the burdens of taxation and support of government, a large, powerful and oppressive monopoly, contrary to the provisions of an ordinance passed by this Convention, February 27, 1868; contrary to the expressed will of the people as solemnly declared in Convention, and contrary to the rights of the citizens of a State, to change, alter, or amend any parts of their laws at will; and

*Whereas*, Such action of the Commanding General as aforesaid, has reduced the amount of taxes estimated to be collected under said ordinance over fifty thousand dollars, thereby, making a great deficit in the amount necessary to pay the expenses of this Convention; therefore,

*Be it ordained by the people of the State of Misssippi, in Convention assembled*, And as supplementary and in addition to an ordinance entitled an ordinance to provide for the levy and collection of a tax to defray the expenses of this Convention passed February 27, 1868, that a special tax of fifty per cent. of the amount of the tax levied by said ordinance, be, and the same is hereby levied in addition thereto, and the Sheriffs of the several counties are hereby notified to collect the same in the same manner and time, and under the same regulations as provided in said ordinance and ordinances since passed amendatory thereof, in every particular subject to the pains and penalties for neglect or failure so to do as provided in said ordinance; *Provided*, That said Sheriffs shall make their final reports upon the collection of this tax prior to the 1st day of August, 1868; *Provided further*, That the penalties provided in said ordinance shall not be applied to the tax levied by this ordinance.

FRED PARSONS,
*Chairman Finance Committee.*

Mr. Morgan moved to receive and make it the special order for to-morrow morning at 9 o'clock.

Previous question moved and sustained;

And the motion of Mr. Morgan was carried.

The report of the committee on the Removal of Political Disabilities was taken up for consideration.

Mr. Herbert moved to refer the report to the next Legislature.

A motion to table was lost.

Mr. Gibbs moved to indefinitely postpone.

Mr. Cunningham moved the previous question,

Which was sustained;

And the motion to indefinitely postpone the motion to refer was carried.

Mr. Fitzhugh moved that the report be taken up by counties.

Mr. Warren moved the previous question,

Which was sustained;

And the motion prevailed.

And the following names were recommended to be forwarded to Congress, requesting that their political disabilities be removed:

| | |
|---|---|
| H. H. Howard | Leake county. |
| John A. Hanson | Leake county. |
| Wm. R. Graves | Leake county. |
| Wm. J. Lowe | Leake county. |
| James H. Caldwell | Leake county. |
| C. Lindsey | Choctaw county. |
| H. Bayes | Choctaw county. |
| Ira McDowell | Choctaw county. |
| Owen C. Davis | Choctaw county. |
| Aaron Smith | Choctaw county. |
| Franklin Burges | Choctaw county. |
| John Simington | Lee county. |
| John Myers | Lee county. |
| E. H. Wiggull | Lee county. |
| R. F. Shannon | Lee county. |
| Bailey Sheppard | Lee county. |
| Eli Phillips | Lee county. |
| Lock Hawkins | Lee county. |
| John Adernhold | Lee county. |
| B. McManus | Lee county. |
| James M. Wylie | Lee county. |
| James C. Armstrong | Panola county, |
| G. H. Webster | Simpson county. |
| H. Mask | Tishomingo county. |
| J. L. Wofford | Tishomingo county. |
| W. H. Jones | Tishomingo county. |
| J. A. Conner | Tishomingo county. |
| T. D. Duncan | Tishomingo county. |
| T. D. Barefoot | Tishomingo county. |
| Austin Ballard | Tishomingo county. |
| B. B. Boone | Tishomingo county. |

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|---|---|
| E. W. Carmack | Tishomingo county. |
| A. B. Fetts | Tishomingo county. |
| E. C. Eggleston | Lowndes county. |
| G. C. Sullivan | Oktibbeha county. |
| H. F. Buchanan | DeSoto county. |
| John W. Vance | DeSoto county. |
| G. E. Harris | DeSoto county. |
| R. C. Kerr | Hinds county. |
| H. V. Barr | Hinds county. |
| Joseph Lemly | Hinds county. |
| M. M. Peyton | Hinds county. |
| Samuel Donnell | Hinds county. |
| Thomas A. Mellon | Hinds county. |
| James Fairchild | Hinds county. |
| H. A. McLeod | Covington county. |
| John P. Marshall | Carroll county. |
| B. T. Marshall | Carroll county. |
| James S. Johnson | Carroll county. |
| George Stovall | Carroll county. |
| W. T. Townsend | Carroll county. |
| J. L. Morphis | Pontotoc county. |
| C. T. Bond | Pontotoc county. |
| Isaac Hudson | Bolivar county. |
| George Boozer | Leake county. |
| L. Y. Brittain | Leake county. |
| Joseph K. Coffey | Attala county. |
| E. H. Sanders | Attala county. |
| M. A. Clarke | Attala county. |
| Wm. B. Thomson | Attala county. |
| Ebenezer M. Wells | Attala county. |
| James M. Miller, sr | Wilkinson county. |
| Wm. H. Noble | Wilkinson county. |
| J. L. Haskins | Holmes county. |
| Erastus Haskins | Holmes county. |
| E. B. Sprole | Holmes county. |
| Wallace Wilson | Holmes county. |
| W. A. West | Holmes county. |
| L. A. West | Holmes county. |
| Peter B. Cook | Yazoo county. |
| George Moorman | Madison county. |
| C. C. Shackleford | Madison county, |
| B. B. McFadden | Itawamba county. |
| Joseph Green | Itawamba county. |
| James H. Owen | Scott county. |
| L. L. Davis | Harrison county. |
| F. N. Saucier | Harrison county. |
| C. E. Murphree | Calhoun county. |
| Hiram G. Hall | Calhoun county. |
| J. L. Atkinson | Chickasaw county. |
| S. D. Pinson | Pontotoc county. |
| J. L. Flanekin | Lowndes county. |
| W. H. Cook | Lowndes county. |

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|---|---|
| Arthur Mangum | Covington county. |
| Julius Allen | Coahoma county. |
| D. B. Maynard | Coahoma county. |
| J. M. Crisman | Coahoma county. |
| Robt. G. Sharpe | Coahoma county. |
| George R. Alcorn | Coahoma county. |
| Asa Cobb | Coahoma county. |
| J. H. Owens, jr | Tunica county. |
| J. W. Stone | Tunica county. |
| Lewis M. Deering | Tunica county. |
| Oliver Clarke | Winston county. |
| Thomas Houston | Winston county. |
| W. G. Huoston | Winston county. |
| Orville M. Blanton | Washington county. |
| T. G. Polk | Washington county. |
| L. B. Valient | Washington county. |
| Frank Valient | Washington county. |
| John H. Nelson | Washington county. |
| T. W. Adams | Kemper county. |
| B. F. Rush | Kemper county. |
| John McRae | Kemper county. |
| W. W. Chisholm | Kemper county. |
| M. D. Crawford | Kemper county. |
| E. R. Fowler | Kemper county. |
| Moses G. Hallford | Kemper county. |
| J. A. Orr | Lowndes county. |
| John H. Lawrence | Lowndes county. |
| Allen T. Riggs | DeSoto county. |
| J. W. Boykin | Wayne county. |
| Robt. D. Palmer | Carroll county. |
| J. Moore McAlla | Tishomingo county. |
| Thos. P. Young | Tishomingo county. |
| Robt. Davenport | Tishomingo county. |
| Wm. A. Taylor | Tishomingo county. |
| Samuel Young | Attala county. |
| Joseph Wise | Attala county. |
| Samuel Munson | Attala county. |
| John K. Oliver | Panola county. |
| B. F. Jones | Carroll county. |
| John H. Hardy | Winston county. |
| A. M. Green | Holmes county. |
| J. W. Ashcraft | Holmes county. |
| Henry C. Stokes | Holmes county. |
| W. W. Robertson | Tippah county. |
| W. E. Farmer | Panola county. |
| Benj. F. Sutton | Rankin county. |
| Jere L. Davis | Yalobusha county. |
| Andrew J. Guerant | Clarke county. |
| James L. Bass | Clarke county. |
| Wm. H. West | Clarke county. |
| Ira J. Carter | Clarke county. |
| Wm. B. Smith | Clarke county. |

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|---|---|
| Wm. Courson | Clarke county. |
| F. Hodges | Chickasaw county. |
| J. M. Pruitt | Lowndes county. |
| A. M. Green | Holmes county. |
| Newton Knight | Jasper county. |
| R. W. Simmons | Jasper county. |
| A. D. Dickson | Harrison county. |
| John L. Henley | Harrison county |
| Peirre Saucier | Harrison county. |
| W. M. Deason | Harrison county. |
| Wm. Thompson | Jefferson county. |
| Prosper K. Montgomery | Jefferson county. |
| James Archer | Jefferson county. |
| Henry McClure | Jefferson county. |
| Nathan Bunkley | Franklin county. |
| Wm. K. McGee | Franklin county. |

Mr. Niles, by consent, called up the ordinance for consideration relating to Clay county, which was indefinitely postponed on yesterday, and moved the reconsideration of the vote.

The previous question was moved and sustained, and the motion to reconsider prevailed;

And the ordinance passed its first reading.

A motion to adjourn was lost.

Mr. Niles moved to suspend the rules, and put the ordinance on its second reading.

The previous question was moved by Mr. Fitzhugh and sustained.

A motion to suspend the rules to put the ordinance upon its second reading,

Was carried, by the following vote:

YEAS—Messrs. Alderson, Ballard, Beam, Bridges, Clarke, Conley, Cunningham, Gibbs, Hauser, Herbert, Jacobs, Jamison, Leas, Musgrove, Mygatt, McKnight, Niles, Parsons F., Peyton E. A., Powell, Quinn, Railsback, Richardson, Stewart, Stovall, Stiles, Toy, Warren, Weir, Williams, and Yeoman—31.

NAYS—Messrs. Alcorn, Barry, Brinson, Dowd, Drane, Fitzhugh, Handy, Johnson A., Mayson, Moore, Morgan, Myers, Stringer—13.

Pending further action upon the same, the Convention adjourned to meet to-morrow morning at 9 o'clock.

T. P. SEARS,
*Secretary.*

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## ONE HUNDRED AND TWELFTH DAY.

JACKSON, MISS., Friday, May 15th, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Clarke, Conley, Cunningham, Dowd, Drane, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Jacobs, Jamison, Johnson S., Johnson A., Lawson, Leas, Leonard, Mayson, Musgrove, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Newsom, Niles, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Powell, Railsback, Richardson, Stewart, Stiles, Stovall, Stringer, Stites, Toy, Warren, Weir, Williams, Woodmansee, and Yeoman— 58.

The following delegates were absent:

Messrs. Collins, Combash, Elliott John, Elliott James, Fawn, Field, Holland, Howe, Hutto, Jones, Kerr, Lack, Mask, Miles, Neilson, Nelms, Orr, Peyton E. G., Quinn, Rainey, Smith, and Walker—22.

On motion, the reading of the Journal of yesterday was dispensed with.

Leaves of absence were granted to Messrs. Mask and Fawn for one day.

Mr. Alderson moved that Mr. Peyton, a soldier of the war of 1812, and a resident of Hinds county, be invited to a seat within the bar;

Which was carried.

The committee on Contingent Expenses made the following report:

Mr. President: The committee on Contingent Expenses, to whom was referred the annexed accounts, would respectfully report in favor of their adoption, as your committee believe they are just and correct.

Respectfully,
U. Ozanne, *Chairman.*
W. H. Gibbs,
Jehiel Railsback,
S. C. Conley,
John C. Brinson, *Committee.*

Report received, and under a suspension of the rules, the accounts were allowed, and warrants ordered to be drawn in payment thereof:

*State of Mississippi,*
*To Tazwell Jones,* Dr.

For services rendered the Constitutional Convention as porter and as keeper of out-buildings, from May 2d to May 15th, 13 days, at $2 50 per day..............$32 50

I certify that the above is correct.

Nelson G. Gill,
*Sergeant-at-Arms.*

JACKSON, MISS., May 15th, 1868.

*Mississippi Constitutional Convention,*
*To the Clarion Office,* DR.

| | |
|---|---|
| To 60 copies Daily Clarion for 6 days, at 5 cents per copy | $18 00 |

I certify the above account is correct.

NELSON G. GILL,
*Sergeant-at-Arms.*

MR. PRESIDENT: The committee to whom was referred a resolution looking to the investigation of certain charges against the Hon. D. McA. Williams, relative to the purchase of stationery, in pursuance of a resolution of this Convention, for use of the same, beg leave to state that we have investigated said charges to the best of our ability, and have been unable to find anything but what should be fully indorsed, and we recommend that he be fully exonerated.

J. HAUSER,
*Chairman.*

Report received.

Mr. Newsom moved that the delegates in signing the Constitution, be called by counties.

Mr. Woodmansee moved to sign in alphabetical order, after the President shall have signed, and that it be attested by the Secretary;

Which wrs carried.

The following communication was presented:

MISSISSIPPI CONSITUTIONAL CONVENTION,
JACKSON, MISS., May 14th, 1868.

*To the President and Members of the Convention:*

Hon. Geo. Stovall, is hereby authorized to sign my name to the Constitution of the State of Missiasippi, now being framed by the Constitutional Convention.

H. MASK.

Mr. Morgan moved to suspend the rules to enable him to introduce a resolution;

Which was carried.

Mr. Morgan offered the following:

*Resolved,* That on and after this day, thirty members shall constitute a quorum for the purpose of finishing and closing up the unfinished business of the Convention.

Which was adopted.

The special order of the day was taken up, to-wit: The signing of the Constitution by the delegates,

Mr. Clarke moved that the names of the counties represented be placed opposite the names of the delegates;

Which was carried.

Mr. Herbert moved that no blanks be left for absent members to sign;

Which was lost.

Mr. Stiles moved that the action of this Convention so far as it relates to the resignation of Mr. Nesbitt, be rescinded, on the ground that said Nesbitt did not sign or authorize his resignation to be presented to the Convention.

Mr. Ozanne moved to table;

Which was lost.

Mr. Alderson moved that Mr. Nesbitt be allowed to speak on the above resolution;

Which was lost;

And the resolution of Mr. Stiles was carried, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Beam, Bonney, Bridge, Caldwell, Cunningham, Drane, Litzhugh, Gibbs, Hauser, Herbert, Jamison, Lawson, Mayson, Musgrove, Moore, Myers, Mygatt, McKnight, Newsom, Parsons J. R., Railsback, Richardson, Stites, Stovall, Stringer, Stiles, Toy, Weir, Williams–32.

NAYS—Messrs. Barry, Brinson, Chapman, Clarke, Conley, Dowd, Jacobs, Johnson S., Johnson A., Leas, Morgan, Ozanne, Parsons F., Powell, Stewart, Warren, Woodmansee, and Yeoman—18.

Mr. Alcorn moved to suspend the rules, to enable him to introduce a resolution.

Mr. Morgan moved to table,

Which was lost;

And the motion of Mr. Alcorn was carried.

Mr. Alcorn introduced the following resolutions:

*Resolved*, That the thanks of this Convention be presented to the Hon. B. B. Eggleston, for the able, dignified, and impartial manner in which he has presided over the deliberations of this body, and that in retiring therefrom he carries with him the best wishes of every delegate.

Which was adopted.

*Resolved*, That the thanks of this Convention are due, and are hereby tendered, to John Tovell, the Reporter of this Convention, for the faithful manner in which he has discharged his arduous duties.

Which was adopted.

*Resolved*, That the thanks of this Convention are tendered to Rev. Lester Williams for opening its daily sessions with prayer to the Throne of Grace.

Which was adopted.

*Resolved*, That the thanks of this Convention are hereby tendered to A. Worley Patterson, Assistant Secretary, Nelson G. Gill, Sergeant-at-Arms, C. F. Norris, Doorkeeper, and Elijah Robinson, Assistant Doorkeeper, for the faithful discharge of their duties as officers of the same.

Which was adopted.

Mr. Cunningham moved to suspend the rules, to allow Mr. Railsback to introduce a resolution;

Which was carried.

And Mr. Railsback offered the following:

*Resolved*, That this Convention tender their thanks to Hon. Thad. P. Sears, for the faithful and efficient manner in which he has discharged the duties of his office as Secretary of this Convention.

Which was adopted.

And under a further suspension of the rules,

Mr. Stites introduced the following:

WHEREAS, In consequence of the great depreciation in the warrants of this Convention, the delegates and officers of the same receiving only in name the face of their warrants; and

*Whereas*, The people of this State believe that the full amount has been paid them, or so near the full amount as to make no material difference, such, in fact, not being the case, the officers and members of this Convention being necessarily compelled to sacrifice their warrants at from thirty to forty per cent. discount on the dollar, thereby receiving only $6 50 to $7, according to sales made of warrants, instead of $10; now, therefore, be it

*Resolved*, That to partly liquidate the losses incurred by being necessarily compelled to sacrifice their warrants at so ruinous a discount, that a sum not to exceed twenty-five per cent. be allowed upon all per diem warrants issued to the officers and members of this Convention.

Mr. Cunningham moved to lay on the table;

Which was lost.

Mr. Fitzhugh moved the previous question;

Which was sustained.

And the resolution of Mr. Stites was lost, by the following vote:

YEAS—Messrs. Bonney, Drane, Fitzhugh, Johnson A., Lawson, Leas, Morgan, Peyton E. A., Quinn, Stites, Toy, and Yeoman—12.

NAYS—Messrs. Alderson, Alcorn, Ballard, Bridges, Brinson, Caldwell, Chappell, Clarke, Cunningham, Gibbs, Hauser, Herbert, Jacobs, Jamison, Johnson S., Musgrove, Mygatt Newsom, Ozanne, Parsons F., Parsons J. R., Powell, Railsback, Richardson, Stovall, Stringer, Stiles, Warren, Weir, and Woodmansee—30.

Mr. Alcorn moved to strike from the Journal all relating to the above resolution.

A motion to table was lost.

And under the operation of the previous question, moved by Mr. Fitzhugh, and sustained, the motion to strike from the Journal was lost, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Brinson, Caldwell, Conley, Gibbs, Jacobs, Moore, Myers, Stewart, Stovall, Stringer, and Stiles—13.

NAYS—Messrs. Beam, Bonney, Bridges, Clarke, Cunningham, Dowd, Drane, Fitzhugh, Hauser, Herbert, Jamison, Johnson S., Johnson A., Lawson, Leas, Mayson, Musgrove Morgan, McKee, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Powell, Quinn, Railsback, Richardson, Stites, Toy, Weir, Woodmansee, and Yeoman—33.

Mr. Railsback moved to reconsider the vote just taken, and pending consideration of the same, the Convention adjourned to meet at 3 o'clock, P. M.

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alcorn, Ballard, Barry, Beam, Bonney, Bridges, Caldwell, Chapman, Clarke, Conley, Dowd, Drane, Gibbs, Handy, Hauser, Jacobs, Jamison, Johnson S., Johnson A., Lawson, Leas, Leonard, Musgrove, Moore, Morgan, Mygatt, McKee, Newsom, Niles, Ozanne, Parsons F., Peyton E. A., Powell, Quinn, Railsback, Richardson, Stewart, Stites, Stovall, Stringer, Stiles, Toy, Weir, Williams, Woodmansee, and Yeoman—48.

The following delegates were absent:

Messrs. Alderson, Brinson, Castello, Chappell, Collins, Combash, Cunningham, Elliott John, Elliott James, Fawn, Field, Fitzhugh, Herbert, Holland, Howe, Hutto, Jones, Kerr, Lack, Mayson, Mask, Miles, Myers, McKnight, Neilson, Nelms, Orr, Parsons J. R., Peyton E. G., Rainey, Smith, Walker, and Warren—33.

The motion to reconsider, pending on adjourment, was taken up.

Mr. Gibbs moved to table;

Which was lost.

Under the operation of the previous question, moved by Mr. Ozanne, and sustained, the motion to reconsider was lost, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Barry, Bonney, Bridges, Conley, Drane, Jacobs, Jamison, Lawson, Leas, Moore, Newsom, Railsback, Richardson, Stewart, Stringer, Stiles, Williams, and Woodmansee—20.

NAYS—Messrs. Ballard, Beams, Caldwell, Chapman, Clarke, Dowd, Fitzhugh, Gibbs, Handy, Hauser, Johnson S., Johnson A., Musgrove, Morgan, Mygatt, McKee, McKnight, Niles, Ozanne, Parsons F., Peyton E. A., Powell, Quinn, Stites, Stovall, Toy, Weir, and Yeoman—28.

The ordinance relating to Clay county was taken up for consideration;

And Mr. Niles offered the following as an additional section:

SEC. 2. *Be it further ordained*, That at the time and places of holding the election for the ratification of the Constitution framed by this Convention, the qualified electors of the counties of Attala and Holmes, shall be allowed to vote for or against the creation of the county of Clay, etc. Those in favor of creating the said new county shall have written or printed on their ballots, "for Clay county," and those opposed to creating said new county, "against Clay county;" and if a a majority of said qualified voters shall vote "against Clay county," then said new county shall not be created as provided by ordinance passed by this Convention, April 6th, 1868. But if a majority of said electors vote in favor of said new county of Clay, this ordinance shall be null and void, and the ordinance creating the said new county of Clay, passed April 6th, 1868, shall be in full force and effect.

Sec. 3. *Be it further ordained*, That it shall be the duty of the managers of said election, in each of said counties of Attala and Holmes, to make triplicate returns of the number of votes cast for and against the said new county of Clay; one copy of said returns to be deposited in the office of the Probate Clerk, and another copy to be forwarded to the Committee of Five, on Election, and another to the General Commanding Fourth Military District.

Which was adopted.

Under a suspension of the rules, the ordinance was put upon its third reading, and reads as follows:

### AN ORDINANCE RESCINDING AND ANNULLING SO MUCH OF AN ORDINANCE PASSED ON THE SIXTH DAY OF APRIL, 1868, ENTITLED, "AN ORDINANCE CREATING CERTAIN NEW COUNTIES, AND FOR OTHER PURPOSES," AS RELATES TO THE CREATION OF THE COUNTY OF CLAY, AND MAKES DURANT THE SEAT OF JUSTICE OF SAID CLAY COUNTY.

Section 1. *Be it ordained by the people of the State of Mississippi, in Convention assembled*, That so much of said above recited ordinance, passed on the 6th day of April, 1868, as creates the county of Clay, and makes Durant the seat of justice of said Clay county, including the 5th and 6th sections, is hereby rescinded and annulled.

Sec. 2. *Be it further ordained*, That at the time and places of holding the election for the ratification of the Constitution framed by this Convention, the qualified electors of the counties of Attala and Holmes shall be allowed to vote for or against the creation of the county of Clay, etc. Those in favor of creating said new county, shall have written or printed on their ballots, "For Clay county," and those opposed to creating said new county, "Against Clay county;" and if a majority of said qualified electors shall vote against Clay county, then said new county shall not be created as provided for by ordinance passed April 6th, 1868; but if a majority of said electors vote in favor of said new county of Clay, this ordinance shall be null and void, and the ordinance creating the said new county of Clay, passed April 6th, 1868, shall be in full force and effect.

*Be it further ordained*, That it shall be the duty of the managers of said election, in each of said counties of Attala and Holmes, to make triplicate returns, in detail, of the number of the votes cast for and against said new county of Clay; one copy of said returns to be deposited in the office of the Probate Clerk of their respective counties, and another copy to be forwarded to the Committee of Five on Election; and another to the General Commanding the Fourth Military District.

On motion, the Ordinance was referred to the committee on Enrollment.

Mr. Barry offered the following:

*Resolved*, That General Orders No. 42, dated " Office of Civil Affairs, Headquarters Fourth Military District, Holly Springs, Mississippi, December 16th, 1867, convening this Convention; also, an Ordinance providing for the protection of electors, passed by the Mississippi Constitutional Convention, March 13th, 1868, and the Ordinance regulating the election for ratification of the Constitution, and for State officers and members of Congress, be embodied in the pamphlet containing the Constitution.

Which was adopted.

Mr. Dowd offered the following ordinance:

*Be it ordained by the people of the State of Mississippi, in Convention assembled*, That a new county shall be and is hereby created, with the following lines and boundaries, to-wit: Beginning at the northwest corner of township 23, range 3 east, and running thence east with the township line between townships 23 and 24, to the northeast corner of township 23, range 7 east; thence south with the range line between ranges 7 and 8, to the southeast corner of township 31, range 7; thence west with the township line to the southwest corner of township 21, range 3, and thence north with the range line between ranges 2 and 3, to the place or point of beginning. The area of said county being five hundred and forty square miles, be the same more or less; and

*Be it further ordained*, That the name of said new county shall be Sherman county, and that the location of the county site shall be at the town of Grenada.

*Be it further ordained*, That a new county, to be called Culpepper county, be, and the same is hereby established, with the following boundaries, viz: Beginning at the northeast corner of township eight of range nine, and running thence south with the range line to the southeast corner of section thirteen of township five, of range nine, and running thence west with the section line between sections thirteen and twenty-four, to the southwest corner of section eighteen, of township five, of range six; thence north with the range line to the northwest corner of township eight, of range six; thence east to the township line to the point of beginning. The same same containing six hundred and twenty square miles, be the same more or less.

*And be it further ordained*, That the county site of said Culpepper county shall be located in the town of Brookhaven, in said county.

Which was laid on the table.

Mr. Clarke offered the following:

*Resolved*, That all fines heretofore imposed and entered up against any member of this Convention now in attendance upon the same, for failing to vote, or for other dereliction of duty, be, and the same are hereby set aside, and that wherever such fine has been deducted from the per diem of or other amount due any member, the Auditor of this Convention shall grant the proper vouchers for the amount so deducted to the proper party to whom the same shall be due.

Mr. Morgan moved to table;

Which was lost.

Mr. Clarke moved the previous question,

Which was sustained;

And the resolution was adopted.

Mr. Ozanne offered the following resolutions:

WHEREAS, It is impossible for the Secretary to complete his work with the adjournment of this Convention; and

*Whereas*, His presence will be required to close and wind up the business of this Convention; therefore, be it

*Resolved*, That the Secretary be allowed thirty days to close up said business.

Which was adopted.

*Resolved*, That the Record Clerk employed by this Convention, be retained and allowed twenty-five days to close up his work.

*Be it further resolved*, That the Secretary be allowed one additional clerk for ten days, to assist him in winding up his business.

Which was adopted.

*Rssolved*, That $200 00 be appropriated to defray the incidental expenses of the Committee of Five, appointed to conduct the election.

A motion to table was lost.

Mr. Hauser moved the previous question,

Which was sustained;

And the resolution was adopted.

Mr. McKee moved to suspend the rules, to permit the introduction of a resolution.

Mr. Woodmansee moved to table;

Which was lost;

And the motion to suspend the rules was carried.

Mr. Ozanne introduced the following:

*Resolved*, That when this Convention adjourn, it will be to meet this evening at 7½ o'clock, to hold an evening session.

Which was lost.

Mr. Miles offered the following ordinance:

### AN ORDINANCE FOR THE RELIEF OF CHARLES M. THOMAS, TAX COLLECTOR OF THE CONVENTION TAX FOR NOXUBEE COUNYY.

*Be it ordained by the people of the State of Mississippi, in Convention assembled*, That the Auditor of Public Accounts be authorized and required to issue a warrant on the Treasury of this State, for a sum not exceeding three hundred and fifty dollars, in favor of Charles M. Thomas, Sheriff and Tax Collector of Noxubee county, to cover the sums improperly collected by him in his county, on polls and gross sales, and refunded under the ordinance of this Convention, authorizing the collection of a tax to defray the expenses of this Convention; *Provided*, Said Thomas shall first file with the Auditor of Public Accounts of this State, a detailed statement of the sums so improperly collected; the persons from whom collected, and the persons to whom refunded, verified by an affidavit made before some officer legally authorized to administer an oath, that said statement is true and correct, as therein stated; *And provided further*, That no such warrant shall issue before said Thomas shall have accounted for the sums so collected in his settlement with the Auditor and Treasurer of this State.

And the ordinance passed its first reading;

And under a suspension of the rules, the ordinance passed its second and third readings, and reads as above.

Mr. Niles moved to refer to the committee on Enrollment;

Which was carried.

Mr. Fitzhugh offered the following resolution:

*Resolved*, That the Official Printer of the Convention be ordered to print 1,000 extra copies of the Constitution, bound neatly in paper covers, for the individual use of members of this Convention, and for transmission to members of Congress.

Which was laid on the table.

Mr. Ozanne offered the following ordinance:

SECTION 1. *Be it ordained by the people of the State of Mississippi, in Convention assembled*, That the Journal of the Convention be printed in single column, fifty-five lines in length, and thirty-six ems wide.

SEC. 2. *Be it further ordained*, That all ordinances or parts of ordinances conflicting herewith be, and the same are hereby repealed.

SEC. 3. *Be it further ordained*, That the Constitution be printed in single column.

Mr. Weir moved to postpone further consideration until tomorrow.

Mr. Ozanne moved to table,

Which was lost;

And the motion to postpone was lost.

Mr. Ozanne moved the previous question,

Which was sustained;

And the ordinance passed its first reading, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Barry, Bonney, Bridges, Caldwell, Chapman, Chappell, Drane, Fitzhugh, Gibbs, Handy, Hauser, Herbert, Jacobs, Johnson A., Lawson, Leas, Leonard, Mayson, Moore, Morgan, Mygatt, Myers, Newsom, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Powell, Quinn, Railsback, Stewart, Stringer, Woodmansee, and Yeoman—36.

NAYS—Messrs. Ballard, Beam, Conley, Dowd, Johnson S., Musgrove, McKee, Stovall, Stiles, and Weir—10.

And reads as above.

Mr. Stringer offered the following ordinance:

WHEREAS, The Congress of the United States have declared, by Acts passed March 2, 1867, and the Acts supplementary thereto, and known as the Reconstruction Acts of Congress, that until the provisions of said Acts shall have been fully complied with, and the Constitution framed and adopted by this Constitution shall have been approved by the Congress of the United States, any government that may exist in the State of Mississippi is deemed and declared to be provisional—only subject to the paramount authority of the United States, to abolish, modify, control, or supersede the same; therefore,

*Be it ordained*, That all persons hereafter elected or appointed to any office in this State until such time as Senators and Representatives shall have been admitted therefrom to the Congress of the United States, shall be held as exercising and holding office under the laws of the United States, and shall, before entering upon the discharge of the duties of any office to which they may have been elected or appointed, take and subscribe the oath of office provided for officers of the United States, by Act of Congress passed July 2, 1867, and entitled "An Act to provide an oath of office."

A motion to adjourn was lost.

Mr. Morgan moved to suspend the rules, and put the ordinance on its first reading.

Mr. F. Parsons moved to lay on the table the motion to suspend the rules;

Which was carried.

Mr. Herbert offered the following resolution:

WHEREAS, Thomas Swann, Auditor of Public Accounts, and John Echols, Treasurer of the State, did, on or about the first day of March, A. D. 1868, respectfully enter upon the discharge of the duties assigned them by an ordinance of this Convention, adopted on the 27th day of February, 1868; and

*Whereas*, said duties so assigned imposed extra official and onerous labors upon them; and

*Whereas*, the same have, thus far, been faithfully performed, and have not yet been entirely disposed of, but will be on hand for some time to come; therefore, be it

*Resolved*, That the said Auditor and the said Treasurer, respectively, be allowed the sum of one thousand dollars each, for such services, as well those to be performed in the future as those done in the past; to be paid to them, respectively, out of any money in the Treasury already raised, or hereafter to be raised by virtue of the aforesaid ordinance, not otherwise appropriated; and that the Auditor of Public Accounts, acting for this Convention, be, and is hereby authorized to draw his warrant on the Treasury aforesaid, also acting for this Convention, in favor of said John Echols, for the said sum of one thousand dollars, and another warrant in favor of him, the said

Thomas Swann, for a like sum of one thousand dollars; and in case this Convention does not again convene before the meeting of the first Legislature, the said Auditor and the said Treasurer shall make a full and fair report to that body, of all the business matters and things transacted by them respectively, for and on account of this Convention; and if, in the opinion of that Legislature, the officers aforesaid, or either of them, shall not, at that time, have received a sufficient compensation for such services then performed, it shall be its duty to make to them such further allowance as shall be equitable and just in the premises.

Mr. Musgrove moved to amend by striking out "1,000" wherever it occurs, and inserting "500."

Mr. Newsom moved to lay the amendment on the table;

Which was lost.

Mr. Morgan offered the following amendment to the amendment:

That Governor Humphreys, and all other State provisional officers, be allowed the same compensation as is herein provided for Auditor and Treasurer.

Previous question called, call sustained,

And the amendment to the amendment was lost;

And the amendment was adopted.

And the resolution as amended was adopted, by the following vote:

Yeas—Messrs. Alderson, Alcorn, Ballard, Beam, Bonney, Bridges, Brinson, Caldwell, Chappell, Clarke, Combash, Conley, Dowd, Drane, Hauser, Herbert, Jacobs, Jamison, Johnson S., Leas, Mayson, Musgrove, Moore, Myers, Mygatt, McKee, McKnight, Newsom, Niles, Peyton E. A., Powell, Railsback, Stewart, Stringer, Stiles, Weir, and Woodmansee—37.

Nays—Messrs. Fitzhugh, Gibbs, Handy, Johnson A., Lawson, Morgan, Ozanne, Stovall, and Yeoman—9.

Mr. Bridges moved to adjourn;

Which was carried.

The Convention adjourned to meet to-morrow morning at 9 o'clock.

T. P. Sears,
*Secretary.*

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## ONE HUNDRED AND THIRTEENTH DAY.

Jackson, Miss., Saturday, May 16th, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Bonney, Brinson, Caldwell, Chapman, Chappell, Clarke, Combash, Conley, Cunningham, Dowd, Drane, Fawn, Fitzhugh, Handy, Hauser, Jacobs, Jamison, Johnson S., Johnson A., Lawson, Mayson, Musgrove, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Newsom, Niles, Nesbitt, Orr, Ozanne, Parsons F., Parsons J. R., Peyton E. A., Powell, Quinn, Railsback, Richardson, Stewart, Stiles, Toy, and Woodmansee—47.

The following delegates were absent:

Messrs. Barry, Beam, Bridges, Castello, Collins, Elliott John, Elliott James, Field, Gibbs, Herbert, Holland, Howe, Hutto, Jones, Kerr, Lack, Leas, Leonard, Mask, Miles, Neilson, Nelms, Peyton E. G., Rainey, Smith, Walker, Warren, Weir, Williams, and Yeoman—30.

Upon motion, the reading of the Journal was dispensed with.

Leaves of absence were granted, Mr. Weir, from day to day; to Mr. Yeoman, from day to day; to Mr. Warren, from day to day; to the Chaplain, from day to day; to Mr. Bridges, from day to day; to Mr. Leas, from day to day; to the Secretary, from day to day.

The committee on Contingent Expenses made the following report:

Mr. President: The committee on Contingent Expenses, to whom was referred the annexed bills, would respectfully report in favor of their adoption, as your committee believe they are just and correct.

Respectfully,
U. Ozanne, *Chairman.*
Jehiel Railsback,
S. C. Conley,
John C. Brinson,
*Committee.*

Report received, and under a suspension of the rules, was adopted, and warrants ordered to be drawn in payment thereof.

Jackson, Miss., May 16, 1868.

*Mississippi Constitutional Convention,*
*To the Journal Office,* Dr.

To 3,080 papers furnished @ 5 cts. per copy..........$154 00

I certify that the above account is correct.

Nelson G. Gill,
*Sergeant-at-Arms.*

*State of Mississippi,*
*To Nelson G. Gill,* Dr.

To 160 copies Memphis Bulletin @ 5 cts. per copy......$8 00

I certify that the above account is correct, and that the papers were received and distributed among the members of the Convention.

Nelson G. Gill,
*Sergeant-at-Arms.*

Mr. Orr, chairman of the committee appointed to confer with the General Commanding, submitted the following communication:

HEADQUARTERS FOURTH MILITARY DISTRICT,
(MISSISSIPPI AND ARKANSAS),
VICKSBURG, MISS., May 15th, 1868.

*Hon. B. B. Eggleston, President Constitutional Convention, Jackson, Miss.:*

SIR—I am directed by the Major General Commanding to acknowledge the reception, at the hands of Hon. B. H. Orr, a resolution of the Constitutional Convention relating to the collection of tax on railroads, and in reply, to state that the only authority for the collection of the tax alluded to is contained in the second section of the Tax Ordinance passed Feb. 27th, 1868, which provides "that a special tax of one-half of one per cent. be and the same is hereby levied upon the value of the stock now on hand in each dry goods, grocery, drug, and provision store, and stocks of goods, merchandise, and all other movables, or personal property of every kind and nature, not herein provided for."

Soon after the order directing the collection of the tax levied in the above named ordinance was promulgated, a communication was received from the President of the Vicksburg and Meridian Railroad, stating that under section 15 of the Act of Feb. 27th, 1854, "that all the property, fixtures, and rolling stock of the roads then chartered, and thereafter to be chartered, were exempt from taxation for the period of twenty years."

This communication was referred to Col. Goodfellow, Judge Advocate on the Staff of the Major General Commanding, who reported that upon examination, he found the law to be as quoted by the President of the Vicksburg and Meridian Railroad, and that the High Court of Errors and Appeals had decided in the case of the city of Jackson *vs.* Southern Railroad, that neither the State nor city authorities possessed the right to tax railroad property, and that regarding the authority granted by Congress to the Convention for the purpose of taxation, as not more extensive than the powers of the Legislature of the State in relation to taxation, that he considered "the property of the railroads exempt from taxation under the Tax Ordinance of the Convention."

Col. Goodfellow's report was forwarded to the State Auditor, who was likewise directed to procure the opinion of the Attorney General of the State on the same subject. This opinion was given at length, and concludes as follows:

"I am therefore of the opinion that the exemption from taxation of all railroad property, for a given period of years, is a vested and chartered right, which is not interfered with by subsequent repeal, and such must have been the views taken by the High Court of Errors and Appeals in the case above referred to, and that it applies to all railroad charters granted by the State of Mississippi prior to 1857."

After receiving and maturely considering the opinions given by the Judge Advocate on his Staff, and of the Attorney General of the State, as well as those of other able lawyers, the General Commanding directed the State Auditor to be informed that it was not his belief, that under existing laws, and considering their chartered rights, that the railroads in this State chartered prior to 1857, were liable to the tax levied by the Convention.

The General Commanding does not believe that section 8 of the Act of March 22d, 1867, directing the Convention to "provide for levying and collecting a tax to defray its expenses," authorizes the levying and collection of a tax upon property exempt from taxation, by charter, from the State. In fact the Act limits, instead of extending the right of taxation, by providing that the tax levied shall be on the *property* in such State, thereby excluding taxation on polls, professions, franchises, etc.

It is believed by the General Commanding that the intention of the section above quoted was to direct that the tax should be levied and collected in the same manner and under the same regulations as govern the collection of other taxes in the State.

It should also be borne in mind that chartered privileges have the same force as contracts between individuals, and that when a charter is granted, accepted, and its conditions fulfilled by a company that it is vested with all the obligations of a contract.

Exemption from taxation was one of the privileges granted by the Legislature of Mississippi, February 27th, 1854, to all railroads in the State. It is not claimed that these chartered rights have been forfeited, and therefore have all the force of any other contract; and attention is called to the fact that the Constitution of the United States forbids the enacting of any *ex post facto* law or any law impairing the obligations of contracts

The Hon. Mr. Orr informs me that it was expected that about fifty thousand dollars revenue would be derived from railroads in the State under the tax ordinance. The General Commanding cannot believe that it was the intention of the Convention that one-fourth of their estimated expenses should be derived from this source alone. Mr. Orr also informs me that the Convention does not recognize any State laws or chartered rights granted by the State of Mississippi wherein real or movable property is exempted from taxation. The General Commanding conceives there must be some misunderstanding in this respect, as by such a construction of the tax ordinance, churches, cemeteries, and school-houses, chartered by the State, would be liable to taxation.

The General Commanding regrets that his convictions prevent his compliance with the wish of the Convention that he should enforce the collection of the tax levied upon railroads, and desires to assure your honorable body that he will enforce the collection of any tax which may be levied in compliance with Acts of Congress, known as the Reconstruction Acts, section 8; and he further desires to inform you that those Sheriffs who have failed to collect the tax heretofore levied, will be directed to at once proceed to the collection of the same.

I am, sir, very respectfully,
Your obedient servant,
JOHN TYLER,
*1st Lieut. 43d Inf., Brevet Major U. S. A., A. A. A. G.*

Report received.

Mr. Hauser moved to suspend the rules to enable him to introduce the following ordinance;

Which was carried:

SECTION 1. *Be it ordained by the people of the State of Mississippi, in Convention assembled,* That the warrants issued by authority of this Convention shall be received by the Tax Collectors of the several counties and the Auditor and Treasurer of this State in payment of all dues to the State, as well as in payment of the Convention tax, and that the Legislature, at its first regular session, shall provide for the payment of all outstanding warrants of this Convention, if any there should be.

SEC. 2. *Be it further ordained,* That the Legislature at its first regular session, shall have power to enforce the collection of all taxes levied by this Convention remaining unpaid.

And the ordinance passed its first reading.

Mr. Hauser moved to suspend the rules to put the ordinance on its second reading;

Which was carried.

Mr. Orr moved to indefinitely postpone.

Mr. Fitzhugh moved to table;

Which was lost.

Mr. Parsons, of Adams, moved the previous question,

Which was sustained;

And the motion of Mr. Orr was carried, by the following vote:

YEAS—Messrs. Alderson, Ballard, Bonney, Brinson, Chapman, Dowd, Fitzhugh, Lawson, Mayson, Musgrove, Myers, Mygatt, McKnight, Nesbitt, Niles, Orr, Railsback, Richardson, Stites, Stovall, and Woodmansee—21.

NAYS—Messrs. Alcorn, Caldwell, Clarke, Conley, Cunningham, Drane, Handy, Hauser, Jacobs, Johnson S., Johnson A., Morgan, McKee, Newsom, Parsons F., Parsons J. R., Powell, Stewart, Stiles, and Toy—20.

Mr. F. Parsons moved that the Convention now adjourn, subject to the call of the Committee of Five;

Which was lost, by the following vote:

YEAS—Messrs. Ballard, Conley, Cunningham, Dowd, Handy, Jacobs, Johnson A., Johnson S., Musgrove, McKee, Nesbitt, Parsons F., Parsons J. R., and Railsback—14.

NAYS—Messrs. Alderson, Alcorn, Bonney, Brinson, Caldwell, Chapman, Clarke, Drane, Fitzhugh, Hauser, Lawson, Mayson, Moore, Morgan, Myers, Mygatt, Newsom, Niles, Orr, Ozanne, Powell, Quinn, Richardson, Stewart, Stiles, Stovall, Stringer, Stites, Toy, and Woodmansee—31.

Mr. Clarke moved to suspend the rules to permit him to introduce a resolution;

Which was carried:

*Resolved*, That the President of this Convention be directed to forward to the Commanding General, a copy of the election ordinance passed by the Convention, and request him to issue his order enforcing its provisions.

Mr. Parsons, of Adams, offered the following as an amendment:

*Resolved*, That the President of this Convention be instructed to furnish Gen. A. C. Gillem, Commander of the Fourth Military District, with an official copy of the Constitution and ordinance of election, and that the Commanding General be requested to issue his order inforcing said ordinance, and directing his Registrars to receive and count the ballots, and make returns for the several officers theirin directed to be elected, at the same time, and in the same manner, as the election for the Constitution.

Mr. Ozanne moved to table;

Which was carried.

Mr. Parsons, of Adams, moved to table the resolution;

Which was lost.

And the resolution of Mr. Clarke was adopted.

Mr. Stovall offered the following:

*Resolved*, That this Convention adjourn on Monday the 18th inst., at 12 o'clock, M., subject to the call of the Committee of Five.

Mr. F. Parsons moved to table;

Which was lost.

Previous question moved by Mr. Ozanne, and sustained;

And the resolution offered by Mr. Stovall was adopted.

Mr. Newsom moved to suspend the rules, that the Committee on Enrollment may make a report, and that Mr. Lawson and Mr. Ozanne, each, be permitted to introduce an ordinance;

Which was carried.

The committee on Enrollment made the following report:

*Mr. President and Gentlemen of the Convention:*

Your committe on Enrollment beg leave to report that they have examined an ordinance relating to the county of Clay, and find the same correctly enrolled.

Respectfully,
A. T. Morgan,
M. T. Newsom,
*Of Committee.*

Mr. Lawson offered the following:

### AN ORDINANCE TO CREATE THE COUNTY OF GRANT.

Section 1. *Be it ordained by the people of the State of Missis-*

*sippi, in Convention assembled,* That a new county shall be created in this State, out of the counties of Franklin, Copiah, Amite, and Pike, bounded and described as follows, to-wit: Beginning at the northeast corner of township eight, of range nine, and running thence south, with the range line, to the southeast corner of section thirteen, of township five, of range nine, and running thence west, ~~with~~ the section line, between saction thirteen, and section twenty-four, to the sonthwest corner of section eighteen, of township five, of range six; thence north, with the range line, to the northwest corner of township eight, of range six; thence east to the township line to the point of beginning. The same containing six hundred and twenty square miles, be the same more or less.

SEC. 2. *Be it further ordained,* That the county site of said Grant county, shall be located in the town of Brookhaven, in said county.

SEC. 3. *Be it further ordained,* That at the election to be held for the ratification or rejection of this Constitution, the qualified electors of the territory embraced in said new county of Grant, created by this ordinance, shall be permitted to vote for or against said new county of Grant; and if a majority of the votes cast be for said new county, then the same shall be taken and held to be one of the counties of this State, and entitled to all the rights and privileges of any other county in this State, except in so far as such rights and privileges may be abridged or qualified by the other provisions of the Constitution of this State.

SEC. 4. *Be it further ordained,* That the said election shall be conducted by the same commissioners that are to be appointed by the Committee of Five, and regulated by the same rules as those provided for the ratification of the Constitution of this State; and the returns of said election shall be made and certified in the same manner as those for or against the ratification of said Constitution.

SEC. 5. *Be it further ordained,* That in case the majority of the qualified voters of the district embraced in the proposed new county, voting at said election, shall vote in favor of said new county of Grant, said new county shall be entitled to be organized as such from and after the first day of —, A. D. 1868.

SEC. 6. *Be it further ordained,* That this ordinance shall be in force from and after its passage.

Mr. Stiles moved to table;

Which was carried.

Mr. Alderson moved to reconsider the vote last had yesterday, in relation to compensation to the State Treasurer and Auditor of Public Accounts.

Mr. Clarke moved the previous question,

Which was sustained;

And the motion to reconsider was lost.

Mr. Woodmansee moved to suspend the rules, to enable himself and Mr. Jacobs to introduce resolutions.

Mr. F. Parsons moved to table; which was lost.

Mr. Ozanne moved to suspend the rules, that he might introduce a resolution;

Which was laid on the table.

Mr. Stiles moved the previous question,

Which was sustained;

And the motion to suspend the rules was carried.

Mr. Woodmansee offered the following:

*Resolved*, That the Auditor of this Convention be authorized to issue certificates to Monday, 18th instant, inclusive, and no certificate shall be issued after that date, for per diem of members.

Which was adopted.

Mr. F. Parsons moved to reconsider.

Mr. Ozanne moved to table;

Which was carried.

Mr. Jacobs offered the following:

WHEREAS, A mistake has been made in making out the account of T. Jones, hall porter, in which he has received pay from February 1st, instead of January 20th, from which time he is entitled to pay; therefore, be it

*Resolved*, That the Auditor be instructed to issue a certificate for the time for which he has received no pay.

Mr. F. Parsons moved to refer to committee on Contingent Expenses, to report this evening.

The previous question was moved and sustained, and the motion to refer was carried.

Mr. Stiles moved to reconsider the vote fixing adjournment at 12 o'clock, Monday;

Which was laid on the table.

Mr. Ozanne moved to place the ordinance introduced by him, yesterday, in relation to the manner of printing the Journal upon its second reading;

Which was carried.

The previous question was moved and sustained, and the ordinance passed its second reading.

Under a suspension of the rules, the ordinance passed its third reading, and reads as follows:

SECTION 1. *Be it ordained by the people of the State of Mississippi, in Convention assembled*, That the Journal of this Convention be printed in single column, fifty-five lines in length, and thirty-six ems wide.

SEC. 2. *Be ir further ordained*, That all ordinances, or parts of ordinances conflicting herewith, be and the same sre hereby repealed.

SEC. 3. *Be it further ordained*, That the Constitution be printed in single column.

Upon motion, the ordinance was referred to the committee on Enrollment.

The name of Charles T. Murphy was presented by Mr. McKee, with the request that it be added to the list to be sent to Congress, requesting their political disabilities to be removed.

Mr. Fitzhugh made the same request, in regard to the following named genentlemen, viz:

William Miller, of Wilkinson county,

James Miller, jr., of Wilkinson county.

Pending consideration of the same, the Convention adjourned to meet at 3 o'clock, P. M.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Bonney, Brinson, Chapman, Clarke, Combash, Conley, Dowd, Handy, Hauser, Jacobs, Johnson S., Lawson, Mayson, Musgrove, Moore, Morgan, Myers, Mygatt, McKee, McKnight, Nesbitt, Niles, Orr, Ozanne, Parsons F., Parsons J. R., Powell, Quinn, Railsback, Richardson, Stewart, Stites, Stovall, Stringer, Stiles, Toy, and Woodmansee—41.

The following delegates were absent:

Messrs. Barry, Beam, Bridges, Caldwell, Castello, Chappell, Collins, Cunningham, Drane, Elliott John, Elliott James, Fawn, Field, Fitzhugh, Gibbs, Herbert, Holland, Howe, Hutto, Jamison, Johnson A., Jones, Kerr, Lack, Leas, Leonard, Mask, Miles, Neilson, Nelms, Newsom, Peyton E. A., Peyton E. G., Rainey, Smith, Walker, Warren, Weir, Williams, and Yeoman—40.

Upon motion, the vote indefinitely postponing the further consideration of the ordinance introduced by Mr. Hauser, this morning, was reconsidered, and the ordinance passed its second reading.

Under a suspension of the rules, the ordinance passed its third reading, and was referred to the committee on Enrollment.

Mr. Clarke moved that the bond of the Treasurer of this Convention be declared canceled and returned to the Treasurer, Mr. F. Parsons;

Which was carried.

Mr. Clarke moved to reconsider the vote referring the ordinance in relation to taxes, to committee on Enrollment.

Mr. Hauser moved to table; which was carried.

Mr. Ballard offered the following:

*Resolved*, That the Auditor of Public Accounts be, and is hereby authorized to issue warrants this day for the per diem of members of this Convention, up to and including May 18th, 1868.

Which was adopted.

The committee on Contingent Expenses made the following report:

*To the President and Members of Constitutional Convention:*

The committee on Contingent Expenses, to whom was referred the annexed bills, would respectfully report in favor of their adoption, as your committee believe they are just and correct.

U. OZANNE,
*Chairman.*

Reports received and adopted, and warrants were ordered to be drawn in payment thereof.

*Mississippi Constitutional Convention,*
*To B. H. Orr,* DR.

| | |
|---|---|
| For expenses incurred by him on trip to Vicksburg, for the purpose of conferring with the General Commanding the Fourth Military District, in reference to the tax imposed upon railroads........ | $15 00 |

VICKSBURG, MISS., May 16th, 1868.

*Nelson G. Gill, Sergeant-at-Arms, Constitutional Convention,*
*To H. Shannon,* DR.

| | |
|---|---|
| To 652 copies Daily Times, during month of April, 1868, five cents per copy........................ | $32 60 |

*To the President and Members of the Convention:*

The committee on Contingent Expenses, to whom was referred the claim of one T. Jones, for pay for services rendered between the 20th of January, and the 1st of February, would respectfully report that said claim was once placed before your committee, and owing to the fact that said T. Jones could not establish beyond doubt that his services were engaged prior to the 1st of February, and the Sergeant-at-Arms having repeatedly refused to certify to his claim, compelled your committee to report against said claim, but would recommend the claimant to the generosity of the Convention.

Respectfully,
U. OZANNE,
*Chairman.*

Report received.

Mr. Stovall offered the following:

*Resolved,* That the President be directed to appoint two additional members of the standing committee on Elections for the State at large, one of whom shall be a resident of the Second Congressional District.

Which was adopted.

By unanimous consent, the following names were added to the list of persons recommended to Congress for the removal of their political disabilities:

| | |
|---|---|
| Chas. T. Murphy........................... | Holmes county. |
| Wm. Miller................................. | Wilkinson county. |
| James Miller.............................. | Wilkinson county. |

Mr. Clarke offered the following:

*Resolved*, That Dr. Dowd, of the Committee of Five, be directed to proceed to Vicksburg with an official copy of the tax ordinance just passed, and request the Commanding General to issue an order enforcing the provisions of the same.

Mr. Orr moved to amend as follows:

"That the President telegraph General Gillem and ask him if he will approve and enforce the same;"

Which was laid on the table.

The following bill was allowed, and warrant ordered to be drawn in payment thereof:

JACKSON, MISS., May 16th, 1868.

*R. Williams, Bought of Martz & Co.,*

| | |
|---|---|
| January 7th, 1 bottle ink | $ 50 |
| January 7th, stationery | 1 37½ |
| Total | $1 87½ |

Received payment.

MARTZ & Co.

Mr. McKee moved that an official copy of the tax ordinance passed to-day be furnished General Gillem by the Secretary;

Which was carried.

Mr. Hauser moved to adjourn;

Which was lost.

Mr. Orr offered the following preamble and resolution:

WHEREAS, Considering that large amounts of money have been lost in discounting warrants issued by this Convention to the members and officers thereof by reason of the delay of the military commander to issue his orders for the enforcement of the Convention tax, and on other grounds, it is hereby

*Resolved*, That the amount of twenty per cent. shall be added to the pay of all delegates and officers of this Convention, and the Convention Auditor be ordered to issue his certificate forthwith, in compliance with this resolution.

Mr. Parsons moved to table;

Which was carried, by the following vote:

YEAS—Messrs. Alderson, Alcorn, Ballard, Brinson, Clarke, Conley, Dowd, Hauser, Jamison, Johnson S., Mayson, Musgrove, McKee, Nesbitt, Niles, Parsons F., Powell, Railsback, Richardson, Stovall, Stiles, and Woodmansee—21.

NAYS—Messrs. Bonney, Chapman, Combash, Handy, Jacobs, Lawson, Moore, Morgan, Myers, McKnight, Newsom, Orr, Ozanne, Parsons J. R., Quinn, Stewart, Stites, Stringer, and Toy—20.

Mr. Alderson moved to reconsider the vote just taken.

Pending consideration of the same, the Convention adjourned to meet Monday morning, at 9 o'clock.

T. P. SEARS,
*Secretary.*

## ONE HUNDRED AND FOURTEENTH DAY.

JACKSON, MISS., Monday, May 18th, 1868.

Convention met purguant to adjournment.

Prayer by the Chaplain.

Upon the roll being called, the following delegates answered to their names:

Mr. President, Messrs. Alderson, Alcorn, Ballard, Bonney, Clarke, Combash, Conley, Drane, Fitzhugh, Handy, Hauser, Jacobs, Jamison, Mayson, Musgrove, Niles, Moore, Morgan, Myers, Mygatt, Niles, Orr, Ozanne, Parsons F., Parsons J. R., Powell, Quinn, Railsback, Stewart, Stovall, Stiles, Toy, Woodmansee, and Yeoman—35.

The following delegates were absent:

Messrs. Barry, Beam, Bridges, Brinson, Caldwell, Castello, Chapman, Chappell, Collins, Cunningham, Dowd, Elliott Jas., Elliott John, Fawn, Field, Gibbs, Herbert, Holland, Howe, Hutto, Johnson S., Johnson A., Jones, Kerr, Lack, Lawson, Leas, Leonard, Mask, Montgomery, McKee, McKnight, Neilson, Nelms, Newsom, Peyton E. A., Peyton E. G., Rainey, Richardson, Smith, Stites, Stringer, Walker, Warren, Weir, and Williams—46.

Journal of Saturday read and approved.

The President announced the names of Messrs. Stovall and Quinn as the two additional members to the Standing Committee on Election.

Mr. Ozanne moved to suspend the rules, for the purpose of reconsidering the resolution allowing thirty days to the Secretary to close up the business;

Which was carried.

Mr. Ozanne moved that the vote referred to above be reconsidered.

The previous question moved and sustained, and the motion of Mr. Ozanne was carried;

And the motion reconsidering the resolution allowing the Record Clerk twenty-five days, and allowing one clerk ten days to assist the Secretary in winding up his business, was carried.

Mr. Orr moved that the rules be suspended, to enable Mr. Ozanne to introduce a resolution.

The previous question moved and sustained, and the motion of Mr. Orr was carried.

Mr. Ozanne offered the following:

*Resolved*, That the Secretary turn over to the Committee of Seven appointed to take charge of the business of this Convention, all the unfinished business of said Convention, to be closed up and settled by said committee.

*Be it further resolved*, That the Record Clerk employed by this Covention during its sessions, be retained and allowed twenty five days to close up his work.

*Be it further resolved*, That the Minute Clerk be allowed such time to wind up his business as may be judged necessary by the Committee of Seven, but not to exceed five days.

Mr. F. Parsons moved to table; which was lost.

Mr. Ozanne moved the previous question,

Which was sustained;

And the resolution of Mr. Ozanne was adopted.

Mr. Stiles moved that the rules be suspended, to permit him to introduce a resolution.

Mr. Alderson moved to amend by adding the words, "permission for himself to introduce a resolution, also."

Mr. Orr moved the previous question,

Which was sustained;

And the amendment of Mr. Alderson was adopted;

And the motion of Mr. Stiles was carried.

Mr. Stiles offered the following:

WHEREAS, The Convention has ordered the printing of 2,500 copies of the Journal; and

*Whereas*, The Official Reporter has been retained for the purpose of writing out the debates; therefore, be it

*Resolved*, That 1,500 copies of the proceedings, and 1,000 copies of the debates be printed.

Mr. Clarke moved to amend by striking out the words "1,000 copies," and inserting the words "500 copies."

Mr. Orr moved the previous question;

Which was sustained.

And the amendment of Mr. Clarke was lost, by the following vote:

YEAS—Messrs. Alcorn, Ballard, Clarke, Conley, Dowd, Jamison, Mayson, Mygatt, Nesbitt, Orr, Ozanne, Parsons F., Railsback, Stewart, Stiles, and Woodmansee—16.

NAYS—Messrs. Alderson, Bonney, Comhash, Cunningham, Drane, Handy, Hauser, Musgrove, Moore, Morgan, Myers, Newsom, Niles, Powell, Quinn, Stites, Stovall, and Toy—18.

And the resolution of Mr. Stiles was lost by the following vote:

YEAS—Messrs. Alcorn, Bonney, Combash, Cunningham, Drane, Fitzhugh, Mayson, Musgrove, Mygatt, Orr, Ozanne, Stiles, and Toy—13.

NAYS—Messrs. Alderson, Ballard, Clarke, Conley, Dowd, Handy, Moore, Morgan, Myers, Nesbitt, Newsom, Niles, Parsons F., Powell, Quinn, Stewart, Stites, Stovall, and Woodmansee—19.

Mr. Orr moved to suspend the rules to take up the unfinished business of Saturday last.

Previous question moved by Mr. Orr, and not sustained, and the subject lies over.

The committee on Printing submitted the following report:

JACKSON, MISS., May 16th, 1868.

*To the Honorable President and Members of the Constitutional Convention of the State of Mississippi:*

GENTLEMEN: Your committee on Printing would respectfully submit for your approval the following statement of the amount of printing for account of Mississippi Constitutional Convention from January 7th to May 15th, 1868, inclusive:

| | | |
|---|---|---|
| Account of *Mississippi State Journal* for publishing proceeding from January 7th to May 15th, inclusive, 7,238 squares of ten lines each, @ 75 cts. | $5,428 | 50 |
| Debates, 1,976 squares of ten lines each, @ 75 cts. | 1,482 | 00 |
| For printing reports of committees, and other miscellaneous matter | 7,014 | 00 |
| Total | $13,924 | 50 |
| By warrants | 13,924 | 50 |

| | | |
|---|---|---|
| Account of *Vicksburg Republican* for publishing proceeding from January 7th to May 15th, inclusive, 7,238 squares of ten lines each, @ 75 cts | $5,428 | 50 |
| Debates, 1,976 squares of ten lines each, @ 75 cts | 1,482 | 00 |
| Total | $6,910 | 50 |
| By warrants | 6,507 | 00 |
| Balance due | $ 403 | 50 |

| | | |
|---|---|---|
| Account of *Meridian Chronicle* for publishing proceedings from January 7 to 15th May, inclusive, 7,238 squares of ten lines each, @ 75c | $5,428 | 50 |
| By warrants | 4,359 | 75 |
| Balance due | $1,068 | 75 |

| | | |
|---|---|---|
| Account of *Mississippi Pilot* for publishing proceedings from April 1 to May 14, inclusive, 2,987 squares of ten lines each, @ 75c | $2,240 | 25 |
| For miscellaneous printing | 15 | 00 |
| Total | $2,255 | 25 |
| By warrants | 1,100 | 75 |
| Balance due | $1,154 | 50 |

### RECAPITULATION.

| | | |
|---|---|---|
| Amount of bill of *Mississippi State Journal* | $13,924 | 50 |
| Amount of bill of *Vicksburg Republican* | 6,910 | 50 |
| Amount of bill of *Meridian Chronicle* | 5,428 | 50 |
| Amount of bill of *Mississippi Pilot* | 2,255 | 25 |
| Total cost of printing to date | $28,518 | 75 |

Respectfully submitted,

BENJ. H. ORR,
*Chairman Committee on Printing.*

Report received.

Mr. Fitzhugh moved to suspend the rules to take action upon the report.

Mr. Alcorn moved the previous question,

Which was sustained;

And the motion of Mr. Fitzhugh was carried.

Mr. Ozanne moved to adopt the report.

Mr. Fitzhugh moved the previous question,

Which was sustained;

And the report was adopted.

The committee on Enrollment submitted the following report:

*To the President and Members of Constitutional Convention:*

Your committee on Enrollment, have examined the following ordinances, viz:

An ordinance for the relief of Chas. M. Thomas, passed May 15.

An ordinance in relation to printing the Journal and Constitution.

An ordinance relative to receiving Convention warrants for State tax, etc.; And respectfully report that they find the same correctly enrolled.

A. T. Morgan,
M. T. Newsom,
W. B. Cunningham.
*Committee.*

Report received.

The committee on Contingent Expenses, submitted the following report:

*To the President and Members of Constitutional Convention:*

The committee on Contingent Expenses, to whom was referred the annexed account, would respectfully report in favor of its adoption, as your committee believe it is just and correct.

Respectfully,

U. Ozanne,
*Chairman.*

Report received.

*Mississippi Constitutional Convention,*
*To Mississippi Pilot,* Dr.

For 220 copies per day for forty days @ 5c. per copy..$440 00

Under a suspension of the rules, the report was received and adopted, and warrants ordered to be drawn in payment thereof.

The special committee on Political Disabilities made the following report:

Mr. President: The special committee on Political Disabilities would respectfully report the following names to be placed upon the memorial to be sent to Congress for pardon, in addition to those already placed on said memorial: James T. Mathiz, Attala county; A. J. Gillespie, Carroll county; J. C. Bridgeforth, Carroll county. Your committee would further report that the parties herein recommended have been duly indorsed, and would recommend their names to be added to the list to be sent to Washington to the favorable consideration of Congress.

U. OZANNE,
*Of Committee.*

Report received.

Mr. Ozanne moved to adopt the report.

Previous question called, call sustained; and the report was adopted.

Mr. Dowd offered the following:

*Resolved,* That for prompt and efficient services, the thanks of this Convention are hereby tendered to C. W. Loomis, Reading Clerk; J. Lemly, Minute Clerk; E. Stafford, Auditor; T. W. Adams, Auditing Clerk; M. M. Peyton and J. M. McKee, Enrolling Clerks; Rolla Williams and Wm. Rice, Assistant Sergeant-at-Arms; and all other officers and attaches of the Convention.

Mr. Ozanne moved to amend by adding the name of Mr. Brown, Postmaster.

Mr. Hauser moved the previous question;

Which was sustained.

And the resolution as amended was adopted.

Mr. Alderson offered the following:

*Resolved,* That the thanks of this Convention be returned to James Dugan, our Official Printer, for services rendered.

Which was adopted.

Mr. Stites moved to suspend the rules to allow himself, Mr. Hauser, and Mr. Ozanne to introduce resolutions.

Mr. Ozanne moved the previous question,

Which was lost;

And the motion of Mr. Stites was lost.

Mr. Clarke moved to suspend the rules to enable Messrs. Alcorn and Ozanne to introduce resolutions.

Mr. Hauser moved the previous question,

Which was sustained;

And the motion of Mr. Clarke was carried.

Mr. Ozanne offered the following:

*Resolved,* That the Committee of Seven be, and are hereby empowered and directed to take charge of the stationery and other property purchased by and belonging to the Constitutional Convention.

Mr. Clarke moved the previous question,

Which was sustained;

And the resolution of Mr. Ozanne was adopted.

Mr. Alcorn offered the following:

*Resolved,* That the Committee of Five be authorized and instructed to have the Constitution, as framed by this Convention, ready for distribution within five days from the adoption of this resolution.

Mr. Musgrove moved to amend as follows:

That they superintend the printing of the proceedings and debates, and settle for the same.

Mr. Niles moved to table the amendment;

Which was carried.

Mr. Morgan moved the previous question,

Which was sustained;

And the resolution of Mr. Alcorn was adopted.

The hour having arrived for adjournment, the President made the following remarks:

*Gentlemen, Delegates to the Constitutional Convention:*

The hour that your honorable body have designated for adjournment, has arrived. I cannot allow you to separate without expressing to you the gratification I feel for the uniform courtesy I have received at your hands, and for the kind resolution thanking me for what you are pleased to style "the able, dignified, and impartial discharge of the duties which you so unexpectedly called upon me to perform, by selecting me to preside over your deliberations. That I have been impartial to all, I believe to be true; at least such I intended to be; and I thank you that you have spread the mantle of your charity over the many mistakes that my inexperience caused me to commit. I feel greatly encouraged by the great harmony that has characterised your proceedings from first to last, and particularly for the unanimity of feeling which now pervades your body.

United we go forth to the great work before us of ratifying our Constitution. Far different from the two Conventions preceding us; our labors are to be submitted to the people for their approval.

Gentlemen, I believe the harvest is already ripe; and upon your return to your homes you must stimulate and encourage your people to renewed efforts in the cause of equal rights; invite all who wish to see the great State of Mississippi restored to her proper relations with the Federal Government, who wish to aid in the restoration of peace, and prosperity, and happiness to our impoverished country, to come with us, for we will do them good.

Again, gentlemen, allow me to thank you for your kindness, and to assure you all that you bear with you my kindest wishes and earnest co-operation in the great and noble work before us. Of our success, I feel confident, if we each do our part, and remember that the eyes of the people not only of the United States, but of the whole world are upon us, and the Great God whose blessings we have invoked, and who has watched over us thus far, will crown our labors with success.

I now declare this Convention adjourned, to meet again under the order of the Committee of Five, should our Constitution fail to meet the approval of the people. I trust, however, it may never be necessary for such order to be issued.

B. B. EGGLESTON,
*President, and Delegate from Lowndes county.*

Attest:
T. P. Sears,
*Secretary.*

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# THE CONSTITUTION OF THE STATE OF MISSISSIPPI, AS ADOPTED IN CONVENTION, MAY 15, 1868.

### PREAMBLE.

To the end that justice be established, public order maintained, and liberty perpetuated, we, the people of the State of Mississippi, grateful to Almighty God for the free exercise of the right to choose our own form of Government, do ordain this Constitution.

## ARTICLE I.

### BILL OF RIGHTS.

Section 1. All persons resident in this State, citizens of the United States, are hereby declared citizens of the State of Mississippi.

Sec. 2. No person shall be deprived of life, liberty, or property, except by due process of law.

Sec. 3. The privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion, the public safety may require it.

Sec. 4. The freedom of speech and of the press shall be held sacred; and in all indictments for libel, the jury shall determine the law and the facts, under the direction of the court.

Sec. 5. No person's life or liberty shall be twice placed in jeopardy for the same offense.

Sec. 6. The right of the people peaceably to assemble and petition the government on any subject, shall never be impaired.

Sec. 7. In all criminal prosecutions, the accused shall have a right to be heard by himself or counsel, or both; to demand the nature and cause of the accusation; to be confronted by the witnesses against him; to have a compulsory process for obtaining witnesses in his favor, and in all prosecutions, by indictment or information, a speedy and public trial, by an impartial jury of the county where the offense was committed, and he shall not be compelled to give evidence against himself.

SEC. 8. Cruel or unusual punishment shall not be inflicted, nor shall excessive fines be imposed; excessive bail shall not be required, and all persons shall, before conviction, be bailable by sufficient securities, except for capital offenses, when the proof is evident, or presumption great.

SEC. 9. No *ex post facto* law or laws impairing the obligation of contracts, shall ever be passed.

SEC. 10. Private property shall not be taken for public use, except upon due compensation first being made to the owner or owners thereof, in a manner to be provided for by law.

SEC. 11. There shall be no imprisonment for debt.

SEC. 12. The right of trial by jury shall remain inviolate.

SEC. 13. No property qualification shall ever be required of any person to become a juror.

SEC. 14. The people shall be secure in their persons, houses, and possessions, from unreasonable seizure, or search, and no warrant shall be issued without probable cause, supported by oath or affirmation, specially designating the place to be searched, and the person or thing to be seized.

SEC. 15. All persons shall have a right to keep and bear arms for their defense.

SEC. 16. The rights of married women shall be protected by law, in property owned previous to marriage; and, also in all property acquired in good faith, by purchase, gift, devise, or bequest, after marriage; *Provided*, That nothing herein contained shall be so construed as to protect said property from being applied to the payment of their lawful debts.

SEC. 17. No property qualification for eligibility to office shall ever be required.

SEC. 18. No property or educational qualification shall ever be required for any person to become an elector.

SEC. 19. There shall be neither slavery nor involuntary servitude in this State, otherwise than in the punishment of crime, whereof the party shall have been duly convicted.

SEC. 20. The right to withdraw from the Federal Union, on account of any real or supposed grievances, shall never be assumed by this State, nor shall any law be passed in derogation of the paramount allegiance of the citizens of this State to the Government of the United States.

SEC. 21. No public money or moneys shall be appropriated for charitable or other public institution in this State, making any distinction among the citizens thereof; *Provided*, That nothing herein contained shall be so construed as to prevent the Legislature from appropriating the school fund in accordance with the article in this Constitution relating to public schools.

SEC. 22. No distinction shall ever be made by law between citizens and alien friends in reference to the possession, enjoyment or descent of property.

SEC. 23. No religious test as a qualification for office shall ever be required, and no preference shall ever be given by law to any religious sect or mode of worship, but the free enjoyment of all religious sentiments and the different modes of worship shall ever be held sacred; *Provided*, The rights hereby secured, shall not be construed to justify acts of licentiousness injurious to morals or dangerous to the peace and safety of the State.

SEC. 24. The right of all citizens to travel upon public conveyances shall not be infringed upon, nor in any manner abridged in this State.

SEC. 25. The military shall be in strict subordination to the civil power.

SEC. 26. Treason against the State shall consist only in levying war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 27. No person's life shall be periled by the practice of dueling, and any person who shall hereafter fight a duel, or assist in the same, as second, or send, accept, or knowingly carry a challenge therefor, or go out of the State to fight a duel, shall be disqualified from holding any office under this Constitution, and shall forever be disfranchised in this State.

SEC. 28. All courts shall be open, and every person, for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

SEC. 29. No person shall ever be elected or appointed to any office in this State for life or during good behavior, but the term of all offices shall be for some specified period.

SEC. 30. No person shall be debarred from prosecuting or defending any civil cause for or against him or herself, before any tribunal in this State, by him or herself, or counsel or both.

SEC. 31. No person shall, for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or the militia when in actual service, or by leave of the court, for misdemeanor in office; *Provided*, That the Legislature in cases of petit larceny, assaults, assault and battery, affray, riot, unlawful assembly, drunkenness, vagrancy, and other misdemeanors of like character, may dispense with an inquest of a grand jury and may authorize prosecutions before Justices of the Peace, or such other inferior court or courts as may be established by the Legislature, and the proceedings in such cases shall be regulated by law.

SEC. 32. The enumeration of rights in this Constitution shall not be construed to deny or impair others retained by and inherent in the people.

## ARTICLE II.

### BOUNDARIES OF THE STATE.

The limits and boundaries of the State of Mississippi shall remain as now established by law.

## ARTICLE III.

### DISTRIBUTION OF POWERS.

SECTION 1. The Powers of Government of the State of Mississippi shall be divided into three distinct departments, and each of them confided to a separate magistracy, to wit: Those which are legislative to one, those which are judicial to another, and those which are executive to another.

SEC. 2. No person, or collection of persons, being of one of these departments, shall exercise any power properly belonging to either of the other, except in instances hereinafter expressly directed or permitted.

## ARTICLE IV.

### LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of this State shall be vested in the Legislature, which shall consist of a Senate and House of Representatives.

SEC. 2. The House of Representatives shall consist of members to be chosen every second year by the qualified electors of the several counties.

SEC. 3. No person shall be a member of the House of Representatives who shall not be an elector under this Constitution, and who shall not, at the time of his election, have an actual residence in the district he may be chosen to represent.

SEC. 4. The Senate shall consist of members to be chosen every four years by the qualified electors of the several districts.

SEC. 5. No person shall be a Senator who shall not have attained the age of twenty-five years, who shall not have been an inhabitant of the State one year, and who shall not have an actual residence in the district he may be chosen to represent.

SEC. 6. The political year shall begin on the first Monday of January, and the Legislature shall meet annually, on the first Tuesday after the first Monday in January, at the seat of government, unless sooner convened by the Governor, until altered by law.

SEC. 7. All general elections shall be by ballot, and shall commence and be holden every two years, on the first Tuesday after the first Monday in November, until altered by law; and the electors, in all cases, except in cases of treason, felony, and breach of the peace, shall be privileged from arrest during their attendance on elections, and in going to and returning therefrom.

SEC. 8. Election for members of the Legislature shall be held in the several counties and districts, as shall be provided by law.

SEC. 9. The Governor shall issue writs of election to fill such vacancies as may occur in either house of the Legislature, and the persons thereupon chosen, shall hold their seats for the unexpired term.

SEC. 10. Each house shall appoint its own officers, and shall judge of the qualifications, returns, and election of its own members.

SEC. 11. The Senate shall choose a President *pro tempore*, to act in the absence or disability of the Lieutenant Governor.

SEC. 12. A majority of each house shall constitute a quorum to do business; but a less number may adjourn from day to day, and compel the attendance of absent members, in such manner, and under such penalties as each house shall provide.

SEC. 13. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 14. Each house may determine rules of its own proceedings, punish its members for disorderly behavior; and with the concurrence of two-thirds of the members present, expel a member; but no member shall be expelled a second time for the same offense. They shall each, from time to time, publish a journal of the proceedings, except such parts as may, in their opinion, require secrecy, and the yeas and nays on any question shall be entered on the Journal, at the request of one-tenth of the members present; *Provided,* That the yeas and nays shall always be entered on the Journal on the passage of a bill appropriating money.

SEC. 15. The doors of each house, when in session, or in Committee of the Whole, shall be kept open, except in cases which may require secrecy; and each house may punish, by fine and imprisonment, any person not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in their presence, or in any way disturb their deliberations during the session; but such imprisonment shall not extend beyond the final adjournment of that session.

SEC. 16. No person liable for public moneys unaccounted for shall be eligible to a seat in either house of the Legislature, or to any office of profit or trust, until he shall have accounted for and paid over all sums for which he may have been liable.

SEC. 17. No person shall be eligible to any office of profit or trust, nor shall he be permitted to exercise the right of suffrage within this State, who shall have been convicted of bribery, perjury, or other infamous crime.

SEC. 18. Any person who shall have been convicted of giving or offering directly or indirectly, any bribe to procure his election or appointment, and any person who shall give or offer any bribe to procure the election or appointment of any person to office, shall, on conviction thereof, be disqualified from being an elector, or holding any office of profit or trust under the laws of this State.

SEC. 19. Senators and Representatives shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during the session of the Legislature, and for fifteen days before the commencement and after the termination of each session.

SEC. 20. The members of the Legislature shall severally receive from the public Treasury compensation for their services, which may be increased or diminished; but no alteration of such compensation of members shall take effect during the session at which it is made.

SEC. 21. The Legislature shall direct by law in what courts and in what manner suits may be brought against the State.

SEC. 22. The Legislature shall not have power to pass any bill of divorce; but may prescribe by law the manner in which cases shall be investigated in the courts of justice, and divorces granted.

SEC. 23. Bills may originate in either house, and be amended or rejected in the other; and every bill shall be read on three different days, in each house, unless two-thirds of the house where the same is pending, shall dispense with the rules; and every bill having passed both houses, shall be signed by the President of the Senate and Speaker of the House of Representatives, in open session.

SEC. 24. Every bill which has passed both houses, shall be presented to the Governor of the State. If he approves, he shall sign it, but if he does not approve, he shall return it with his objections, to the house in which it originated, who shall enter the objections at large upon their Journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent with the objections, to the other house, by which, likewise, it shall be reconsidered, and if approved by two-thirds of that house, it shall become a law; but in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill, shall be entered on the Journal of each house respectively. If any bill shall not be returned by the Governor within five days (Sunday excepted), after it has been presented to him, it shall be a law in like manner as if he had signed it, unless the Legislature, by adjournment, prevented its return, in which case it shall be a law, unless sent back within three days after its next meeting.

SEC. 25. Every order, resolution, or vote, to which the concurrence of both houses may be necessary (except on questions of adjournment), shall be presented to the Governor, and before it shall take effect, be approved by him, or being disapproved, shall be repassed by two-thirds of both houses, according to the rules of limitation prescribed in all cases of a bill.

SEC. 26. No money shall be drawn from the Treasury except on appropriation made by law.

SEC. 27. The House of Representatives shall have the sole power of impeachment, but two-thirds of all the members present must concur therein. All impeachments shall be tried by the Senate, and when sitting for that purpose, the Senators shall be upon oath or affirmation to do justice according to law and evidence.

SEC. 28. The Governor and all other civil officers under this State, shall be liable to impeachment for treason, bribery, or any high crime or misdemeanor in office.

SEC. 29. When the Governor shall be tried, the Chief Justice of the Supreme Court shall preside, and no person shall be convicted without the concurrence of two-thirds of all the Senators present.

SEC. 30. Judgment in such cases shall not extend further than removal from office, and disqualification to hold any office of honor, trust, or profit under this State; but the party convicted shall nevertheless be subject to indictment, trial, judgment, and punishment according to law.

SEC. 31. For reasonable cause, which shall not be sufficient ground of impeachment, the Governor shall, on the joint address of two-thirds of each branch of the Legislature, remove from office, the Judges of the Supreme and inferior courts; *Provided*, The cause or causes of removal be spread on the Journal, and the party charged be notified of the same before the vote is finally taken and decided, and shall have an opportunity to be heard by himself or counsel, or both.

SEC. 32. The style of the laws of the State shall be, "Be it enacted by the Legislature of the State of Mississippi."

SEC. 33. The Legislature shall provide for the enumeration of the whole number of inhabitants, and of the qualified electors of the State, once in every ten years; and the first enumeration shall be ordered at the first meeting of the Legislature under this Constitution.

SEC. 34. The number of Representatives shall, at the several periods of making such enumeration, be apportioned among the several counties, or districts, according to the number of qualified electors in each, and shall not be less than one hundred, nor more than one hundred and twenty.

SEC. 35. The number of Senators shall, upon each enumeration made, be apportioned according to the number of qualified electors in the several districts, and shall never be less than one-fourth, nor more than one-third the whole number of Representatives.

SEC. 36. The Senators, on being convened, after the first election, shall be divided by lot from their respective Congressional Districts, into two classes, as nearly equal as can be, and the seats of the first class shall be vacated at the expiration of the second year.

SEC. 37. The Legislature shall provide for the organization of new counties, locating county seats, and changing county lines; but no county shall be organized, nor the lines of any county changed so as to include an area of less than four hundred, nor more than six hundred and twenty-five square miles.

SEC. 38. No Senator or Representative, during the term for which he was elected, shall be appointed to any office of profit under this State, which shall have been created, or the emoluments of which have been increased during the time such Senator or Representative was in office, except to such offices as may be filled by an election of the people.

SEC. 39. The Legislature shall provide by law, for determining contested elections.

## ARTICLE V.

### EXECUTIVE.

SECTION 1. The chief executive power of this State shall be vested in a Governor, who shall hold his office for four years.

SEC. 2. The Governor shall be elected by the qualified electors of the State. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives at the next ensuing session of the Legislature, during the first week of which session, the said Speaker shall open and publish them in presence of both houses of the Legislature. The person having the highest number of votes shall be Governor, but if two or more shall be equal and highest in votes, then one of them shall be chosen Governor by the joint ballot of both houses of the Legislature. Contested elections for Governor shall be determined by both houses of the Legislature in such manner as shall be prescribed by law.

SEC. 3. The Governor shall be at least thirty years of age, and shall have been a citizen of the United States twenty years; shall have resided in this State two years next preceding the day of his election.

SEC. 4. He shall receive for his services such compensation as shall be provided by law.

SEC. 5. He shall be Commander-in-Chief of the Army and Navy of the State, and of the Militia, except when they shall be called into the service of the United States.

SEC. 6. He may require information, in writing, from the officers in the Executive Department, on any subject relating to the duties of their respective offices.

SEC. 7. He may, in cases of emergency, convene the Legislature at the seat of Government, or at a different place, if that shall have become dangerous from an enemy, or from disease; and in case of disagreement between the two houses with respect to time of adjournment, adjourn them to such time as he shall think proper, not beyond the day of the next stated meeting of the Legislature.

SEC. 8. He shall, from time to time, give the Legislature information of the state of the Government, and recommend to their consideration such measures as he may deem necessary and expedient.

SEC. 9. It shall be his duty to see that the laws are faithfully executed.

SEC. 10. In all criminal and penal cases, except in those of treason and impeachment, he shall have power to grant reprieves and pardons, and remit fines, and in cases of forfeiture to stay the collection until the end of the next session of the Legislature, and to remit forfeitures by and with the consent of the Senate. In cases of treason he shall have power to grant reprieves by and with the consent of the Senate, but may respite the sentence until the end of the next session of the Legislature.

SEC. 11. There shall be a seal of the State kept by the Governor, and used by him officially, and be called the Great Seal of the State of Mississippi.

SEC. 12. All commissions shall be in the name and by the authority of the State of Mississippi, be sealed with the Great Seal of State, and signed by the Governor, and be attested by the Secretary of State.

SEC. 13. All vacancies not provided for in this Constitution, shall be filled in such manner as the Legislature may prescribe.

SEC. 14. There shall be a Lieutenant Governor, who shall be elected at the same time, in the same manner, and for the same term, and shall possess the same qualifications as the Governor.

SEC. 15. He shall, by virtue of his office, be President of the Senate. In Committee of the Whole, he may debate on all questions, and when there is an equal division in the Senate, or on a joint vote of both houses, he shall give the casting vote.

SEC. 16. He shall receive for his services such compensation as may be provided by law.

SEC. 17. When the office of Governor shall become vacant by death or otherwise, the Lieutenant Governor shall possess the powers and discharge the duties of said office, and receive the same compensation as the Governor, during the remainder of the said term. When the Governor shall be absent from the State, or unable, from protracted illness, to perform the duties of his office, the Lieutenant Governor shall discharge the duties of said office, and receive said compensation until the Governor be able to resume his duties; but if, from disability, or otherwise, the Lieutenant Governor shall be incapable of performing said duties, or if he be absent from the State, the President of the Senate *pro tempore* shall act in his stead; but if there be no such President, or if he be disqualified by like disability, or be absent from the State, then the Speaker of the House of Representatives shall assume the office of Governor and perform said duties, and receive the same compensation as the Governor; and in case of the inability of the foregoing officers to discharge the duties of Governor, the Secretary of State shall convene the Senate to elect a President *pro tempore*.

SEC. 18. In case the election for Lieutenant Governor shall be contested, it shall be decided in the same manner as that of the Governor.

SEC. 19. The Secretary of State shall be elected by the qualified electors of the State; shall be at least twenty-five years of age and a citizen of the State one year next preceding the day of his election, and shall continue in office during the term of four years; he shall keep a correct register of all the official acts and proceedings of the Governor, and shall, when required, lay the same and all papers, minutes and vouchers relative thereto, before the Legislature, and shall perform such other duties as may be required by law.

Sec. 20. A State Treasurer, and Auditor of Public Accounts shall be elected by the qualified electors of the State, who shall hold their offices for the term of four years, unless sooner removed, and shall possess the same qualifications as the Secretary of State, and, together with the last named officer, shall receive such compensation as may be provided by law.

Sec. 21. A Sheriff, Coroner, Treasurer, Assessor, and Surveyor shall be elected in each county by the qualified electors thereof, who shall hold their offices for two years, unless sooner removed.

Sec. 22. All officers named in this article shall hold their offices during the term for which they were elected, unless removed by impeachment or otherwise, and until their successors shall be duly qualified to enter on the discharge of their separate duties.

## ARTICLE VI.

### JUDICIARY.

Section 1. The judicial power of the State shall be vested in a Supreme Court, and such other courts of law and equity, as are hereafter provided for in this Constitution.

Sec. 2. The Supreme Court shall consist of three Judges, who shall be appointed by the Governor, by and with the advice and consent of the Senate, any two of whom, when convened, shall form a quorum. The Legislature shall divide the State into three Districts, and the Governor, by and with the advice and consent of the Senate, shall appoint one Judge for each district.

Sec. 3. The office of one of said Judges shall be vacated in three years, one in six years, and one in nine years, so that at the expiration of every three years one of said Judges shall be appointed as aforesaid. The term of office of the Judges of the Supreme Court shall be nine years.

Sec. 4. The Supreme Court shall have no jurisdiction but such as properly belongs to a Supreme Court.

Sec. 5. All vacancies which may occur in said court, from death, resignation, or removal, shall be filled by appointment, as aforesaid; *Provided, however*, That if a vacancy shall occur during the recess of the Legislature, the Governor shall appoint a successor, who shall hold his office until the next meeting of the Legislature.

Sec. 6. No person shall be eligible to the office of Judge of the Supreme Court who shall not have attained the age of thirty years at the time of his appointment, and who shall not have been for two years immediately preceding, a citizen of the State.

Sec. 7. The Supreme Court shall be held twice in each year, at the seat of Government, at such times as the Legislature may prescribe.

Sec. 8. Immediately upon the first appointment of Judges, as aforesaid, the Governor, in the presence of, and with the assistance of the President of the Senate and Secretary of State, shall determine by lot, which of said Judges shall serve for the term of three years, and which shall serve for the term of six years, and which shall serve for the term of nine years; and it shall be the duty of the Governor to issue commissions accordingly.

SEC. 9. No Judge of said Court shall sit on the trial of any cause where the parties, or either of them, shall be connected with him by affinity or consanguinity, or where he may be interested in the same, except by the consent of the Judges and of the parties, and whenever a quorum of said Court are situated as aforesaid, the Governor of the State shall, in such cases, specially commission two or more men of law knowledge, for the determination thereof.

SEC. 10. The Judges of said Court shall receive for their services a compensation to be fixed by law, which shall not be diminished during their continuance in office.

SEC. 11. The Judges of the Circuit Court shall be appointed by the Governor, with the advice and consent of the Senate, and shall hold their office for the term of six years.

SEC. 12. No person shall be eligible to the office of Judge of the Circuit Court who shall not, at the time of his appointment, have attained the age of twenty-six years, and shall have been two years a citizen of the State.

SEC. 13. The State shall be divided into convenient Judicial Districts.

SEC. 14. Circuit Courts shall have original jurisdiction in all matters, civil and criminal, within this State; but in civil cases only, when the principal of the amount in controversy exceeds one hundred and fifty dollars.

SEC. 15. A Circuit Court shall be held at least twice in each year, and the Judges of said Courts may interchange Circuits with each other, in such manner as may be prescribed by law, and shall receive for their services a compensation to be fixed by law, which shall not be diminished during their continuance in office.

SEC. 16. Chancery Courts shall be established in each county in the State, with full jurisdiction in all matters of equity, and of divorce and alimony; in matters testamentary, and of administration in minor's business, and allotment of dower, and in cases of idiocy, lunacy, and persons *non compos mentis.*

SEC. 17. The Legislature shall divide the State into a convenient number of Chancery Districts, to be composed of not more than four counties. Chancellors shall be appointed in the same manner as the Judges of the Circuit Courts. Their qualifications shall be regulated by law, and they shall hold their office for the term of four years. They shall hold a court in each county at least four times in each year, and shall receive such compensation as may be provided by law.

SEC. 18. The style of all process shall be, "The State of Mississippi," and all prosecutions shall be carried on in the name and by the authority of "The State of Mississippi," and shall conclude "against the peace and dignity of the same."

Sec. 19. The Clerk of the Supreme Court shall be appointed by said court, for the term of four years; and the Clerk of the Circuit Court and the Clerk of the Chancery Court shall be elected by the qualified voters of their several counties, and shall hold their office for the term of four years; and the Legislature shall provide by law, what duties shall be performed by the Clerks of the Circuit and Chancery Courts during vacation, subject to the approval of the court.

Sec. 20. The qualified electors of each county shall elect five persons, by districts, for the term of two years, who shall constitute a Board of Supervisors for each county, a majority of whom may transact business; which body shall have full jurisdiction over roads, ferries and bridges, and shall order all county elections, to fill vacancies that may arise in the offices of their respective counties, and perform such other duties as shall be provided by law. The Clerk of the Chancery Court of each county shall be the Clerk of such Board of Supervisors.

Sec. 21. No person shall be eligible as a member of said Board who shall not have resided one year in the county, but this qualification shall not extend to such new counties as may hereafter be established until one year after their organization, and all vacancies that may occur in said Board shall be supplied by election as aforesaid, to the unexpired term.

Sec. 22. Judges of all the Courts of this State, and all other civil officers, shall, by virtue of their office, be conservators of the peace, and shall be, by law, vested with ample powers in that respect.

Sec. 23. A competent number of Justices of the Peace and Constables shall be chosen in each county, by the qualified electors thereof, by districts, who shall hold their office for the term of two years. The jurisdiction of Justices of the Peace shall be limited to causes in which the principal of the amount in controversy shall not exceed the sum of one hundred and fifty dollars. In all causes tried by a Justice of the Peace, the right of appeal shall be secured, under such rules and regulations as shall be prescribed by law.

Sec. 24. The Legislature shall from time to time, establish such other inferior courts as may be necessary, and abolish the same whenever they shall deem it expedient.

Sec. 25. There shall be an Attorney General elected by the qualified electors of the State, and a competent number of District Attorneys shall be elected by the qualified electors of the respective districts, whose term of service shall be four years, and whose duties and compensation shall be prescribed by law.

Sec. 26. Clerks, Sheriffs, and other county officers, for wilful neglect of duty or misdemeanor in office, shall be liable to presentment or indictment by grand jury, and trial by petit jury, and upon conviction, shall be removed from office.

## ARTICLE VII.

### FRANCHISE.

SECTION 1. All elections by the people shall be by ballot.

SEC. 2. All male inhabitants of this State, except idiots and insane persons, and Indians, not taxed, citizens of the United States, or naturalized, twenty-one years old and upwards, who have resided in this State six months, and in the county one month next preceding the day of election, at which said inhabitant offers to vote, and who are duly registered according to the requirements of section 3 of this article, and who are not disqualified by reason of any crime, are declared to be qualified electors.

SEC. 3. The Legislature shall provide by law for the registration of all persons entitled to vote at any election, and all persons entitled to register shall take and subscribe the following oath or affirmation: "I........, do solemnly swear (or affirm), in the presence of Almighty God, that I am twenty-one years old; that I have resided in this State six months, and in .... county one month; that I will faithfully support and obey the Constitution and laws of the United States, and of the State of Mississippi, and will bear true faith and allegiance to the same; that I am not disfranchised in any of the provisions of the acts known as the Reconstruction Acts of the 39th and 40th Congress; and that I admit the political and civil equality of all men; so help me God;" *Provided*, That if Congress shall, at any time, remove the disabilities of any persons disfranchised in the said Reconstruction Acts of the said 39th and 40th Congress (and the Legislature of this State shall concur therein), then so much of this oath, and so much only, as refers to the said Reconstruction Acts, shall not be required of such person, so pardoned, to entitle him to be registered.

SEC. 4. No person shall be eligible to any office of profit or trust, or to any office in the militia of this State, who is not a qualified elector.

SEC. 5. No person shall be eligible to any office of profit or trust, civil or military, in this State, who, as a member of the Legislature, voted for the call of the Convention that passed the Ordinance of Secession, or who, as a delegate to any Convention, voted for or signed any ordinance of secession, or who gave voluntary aid, countenance, counsel or encouragement to persons engaged in armed hostility to the United States, or who accepted or attempted to exercise the functions of any office, civil or military, under any authority or pretended government authority, power, or Constitution, within the United States, hostile or inimical thereto, except all persons who aided reconstruction by voting for this Convention, or who have continuously advocated the assembling of this Convention, and shall continuously and in good faith advocate the acts of the same; but the Legislature may remove such disability; *Provided*, That nothing in this section, except voting for or signing the Ordinance of Secession shall be so construed as to exclude from office the private soldier of the late so-called Confederate States army.

SEC. 6. In time of war, insurrection or rebellion, the right to vote at such place, and in such manner as shall be prescribed by law, shall be enjoyed by all persons otherwise entitled thereto, who may be in the actual military or naval service of the United States or this State; *Provided*, Said votes be made to apply in the county or precint wherein they reside.

## ARTICLE VIII.

### SCHOOL FUND, EDUCATION AND SCIENCE.

SECTION 1. As the stability of a Republican form of government depends mainly upon the intelligence and virtue of the people, it shall be the duty of the Legislature to encourage, by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvement, by establishing a uniform system ot free public schools, by taxation or otherwise, for all children between the ages of five and twenty-one years, and shall, as soon as practicable, establish schools of higher grade.

SEC. 2. There shall be a Superintendent of Public Education elected at the same time and in the same manner as the Governor, who shall have the qualification of the Secretary of State, and hold his office for four years, and until his successor shall be elected and qualified, whose duties shall be the general supervision of the common schools and the educational interests of the State, and who shall perform such other duties pertaining to his office, and receive such compensation as shall be prescribed by law; he shall report to the Legislature, for its adoption, within twenty days after the opening of its first session under this Constitution, a uniform system of free public schools.

SEC. 3. There shall be a Board of Education, consisting of the Secretary of State, the Attorney General, and the Superintendent of Public Education, for the management and investment of the school funds, under the general direction of the Legislature, and to perform such other duties as may be prescribed by law. The Superintendent and one other of said board shall constitute a quorum.

SEC. 4. There shall be a Superintendent of Public Education in each county, who shall be appointed by the Board of Education, by and with the advice and consent of the Senate, whose term of office shall be two years, and whose compensation and duties shall be prescribed by law; *Provided*, That the Legislature shall have power to make said office of County School Superintendent of the several counties elective, as other county officers are.

SEC. 5. A public school or schools shall be maintained in each school district at least four months in each year. Any school district neglecting to maintain such school or schools shall be deprived for that year of its proportion of the income of the free school fund and of all funds arising from taxes for the support of schools.

SEC. 6. There shall be established a common school fund, which shall consist of the proceeds of the lands now belonging to the State, heretofore granted by the United States, and of the lands known as "swamp lands," except the swamp lands lying and situated on Pearl river, in the counties of Hancock, Marion, Lawrence, Simpson, and Copiah, and of all lands now or hereafter vested in the State by escheat, or purchase, or forfeiture for taxes, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, and all moneys received for licenses granted under the general laws of the State, for the sale of intoxicating liquor, or keeping of dram shops; all moneys paid as an equivalent for persons exempt from military duty, and the funds arising from the consolidation of the Congressional township funds, and the lands belonging thereto, together with all moneys donated to the State for school purposes, which funds shall be securely invested in United States bonds, and remain a perpetual fund, which may be increased, but not diminished, the interest of which shall be inviolably appropriated for the support of free schools.

SEC. 7. The Legislature may levy a poll tax not to exceed two dollars a head, in aid of the school fund, and for no other purpose.

SEC. 8. The Legislature shall, as soon as practicable, provide for the establishment of an Agricultural College or Colleges, and shall appropriate the two hundred and ten thousand acres of land donated to the State for the support of such a college by the act of Congress passed July 2, A. D. 1865, or the money or scrip, as the case may be, arising from the sale of said lands or any lands which may hereafter be granted, or appropriated for such purpose.

SEC. 9. No religious sect or sects shall ever control any part of the school or university funds of this State.

SEC. 10. The Legislature shall, from time to time, as may be necessary, provide for the levy and collection of such other taxes as may be required to properly support the system of free schools herein adopted. And all school funds shall be divided *pro rata* among the children of school age.

## ARTICLE IX.

### MILITIA.

SECTION 1. All able bodied male citizens of this State, between the ages of eighteen and forty-five years, shall be liable to military duty in the militia of this State, in such manner as the Legislature shall provide, not incompatible with this Constitution, and the Constitution and laws of the United States.

SEC. 2. The Legislature shall provide for the organizing, arming, equipping and discipline of the militia, and for paying the same when called into active service.

SEC. 3. It shall be the duty of the first Legislature to make such laws as shall be necessary to immediately create an effective militia in this State.

SEC. 4. All officers of militia, except non-commissioned officers, shall be appointed by the Governor, by and with the consent of the Senate, and shall be chosen for their military knowledge, experience in arms, andtheir fidelity and loyalty; and no commissioned officer shall be removed from office except by the Senate on recommendation of the Governor, stating the grounds on which such removal is recommended, or by the decision of a court martial, pursuant to law, or at his own request.

SEC. 5. The Governor shall be Commander-in-Chief of the militia, except when it is called into the service of the United States, and shall have power to call forth the militia to execute the laws, repel invasion, and to suppress riots and insurrections.

SEC. 6. The Governor shall nominate, and by and with the consent of the Senate, commission one Major General for the State, who shall be a citizen thereof, and also one Brigadier General for each Congressional District, who shall be a resident of the district for which he shall be appointed, and each district shall constitute a militia division.

SEC. 7. The Adjutant General, and other staff officers to the Commander-in-Chief, shall be appointed by the Governor, and their appointment shall expire with the Governor's term of office.

SEC. 8. The militia shall be exempt from arrest during their attendance on musters, and in going to and returning from the same, except in case of trsason, felony, or breach of the peace.

## ARTICLE X.

### INTERNAL IMPROVEMENTS.

SECTION 1. The Legislature, at its first regular session after the adoption of this Constitution, shall provide for the organization of a Board of Public Works, prescribe its duties, fix the compensation of its members, and all officers employed upon public works in this State.

## ARTICLE XI.

### APPORTIONMENT.

SECTION 1. Until the first enumeration and a new apportionment shall be made as provided and directed in this Constitution, the apportionment of Senators and Representatives among the several counties and districts in this State shall be as follows:

1st. The county of Warren, five Representatives.

2d. The counties of Hinds and Lowndes, each, four Representatives.

3d. The counties of Adams, Carroll, DeSoto, Holmes, Madison, Marshall, Monroe, Noxubee, Washington, and Yazoo, each, three Representatives.

4th. The counties of Attala, Chickasaw, Choctaw, Claiborne, Copiah, Jefferson, Lafayette, Lauderdale, Pontotoc, Oktibbeha, Panola, Tippah, Wilkinson, Yalobusha, Tishomingo, and Rankin, each, two Representatives.

5th. The counties of Amite, Bolivar, Calhoun, Clarke, Franklin, Issaquena, Itawamba, Jasper, Kemper, Lawrence, Leake, Lee, Pike, Sunflower, Scott, Tallahatchie, Winston, Simpson, Coahoma, Tunica, Newton, Neshoba, Covington, Smith, Wayne, Davis, Greene, Jackson, Hancock, Marion, Harrison, and Perry, each, one Representative.

### SECTION 2—SENATE.

1st. The counties of Hancock, Harrison, Jackson, Marion, Greene, and Perry, shall form the First District, and elect one Senator.

2d. The counties of Wilkinson and Amite, the Second District, and one Senator.

3d. The counties of Pike, Lawrence, and Covington, the Third District, and one Senator.

4th. The county of Adams, the Fourth District, and one Senator.

5th. The counties of Franklin, and Jefferson, the Fifth District, ane one Senator.

6th. The counties of Claiborne and Copiah, the Sixth District, and one Senator.

7th. The counties of Warren and Issaquena, the Seventh District, and two Senators.

8th. The counties of Hinds, Rankin, and Simpson, the Eighth District, and two Senators.

9th. The counties of Davis, Jasper, Clarke, and Wayne, the Ninth District, and one Senator.

10th. The counties of Lauderdale and Kemper, the Tenth District, and one Senator.

11th. The counties of Newton, Smith, and Scott, the Eleventh District, and one Senator.

12th. The county of Madison, the Twelfth District, and one Senator.

13th. The county of Yazoo, the Thirteenth District, and one Senator.

14th. The counties of Washington and Sunflower, the Fourteenth District, and one Senator.

15th. The county of Holmes, the Fifteenth District, and one Senator.

16th. The counties of Attala, Leake, and Neshoba, the Sixteenth District, and one Senator.

17th. The county of Noxubee, the Seventeenth District, and one Senator.

18th. The counties of Lowndes and Oktibbeha, the Eighteenth District, and two Senators.

19th. The counties of Choctaw and Winston, the Nineteenth District, and one Senator.

20th. The county of Carroll, the Twentieth District, and one Senator.

21st. The counties of Calhoun and Yalobusha, the Twenty-first District, and one Senator.

22d. The counties of Chickasaw and Monroe, the Twenty-second District, and two Senators.

23d. The counties of Bolivar, Coahoma, and Tunica, the Twenty-third District, and one Senator.

24th. The counties of Panola and Tallahatchie, the Twenty-fourth District, and one Senator.

25th. The county of DeSoto, the Twenty-fifth District, and one Senator.

26th. The county of Marshall, the Twenty-sixth District, and one Senator.

27th. The counties of Lafayette and Pontotoc, the Twenty-seventh District, and one Senator.

28th. The counties of Tishomingo and Itawamba, the Twenty-eighth District, and one Senator.

29th. The counties of Tippah and Lee, the Twenty-ninth District, and one Senator.

## ARTICLE XII.

### GENERAL PROVISIONS.

SECTION 1. The political year of the State of Mississippi shall commence on the first Monday of January in each year, and the general election shall be holden on the first Tuesday succeeding the first Monday in November, biennially.

SEC. 2. The Legislature shall pass laws to exclude from office, and from suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors; and every person shall be disqualified from holding any office or place of honor, profit or trust, under the authority of this State, who shall be convicted of having given or offered any bribe to procure his election or appointment.

SEC. 3. No person who denies the existence of a Supreme Being shall hold any office in this State.

SEC. 4. The Legislature shall provide by law for the indictment and trial of persons charged with the commission of any felony, in any county other than that in which the offense was committed, whenever, owing to prejudice, or any other cause, an impartial grand or petit jury cannot be empaneled in the county in which the offense was committed.

SEC. 5. The credit of the State shall not be pledged or loaned in aid of any person, association, or corporation; nor shall the State, hereafter, become a stockholder in any corporation or association.

SEC. 6. The term of office of all county, township, and precinct officers shall expire within thirty days after this Constitution shall have been ratified, and the Governor shall, by and with the advice and consent of the Senate, thereafter appoint such officers, whose term of office shall continue until the Legislature shall provide, by law, for an election of said officers; *Provided*, The present incumbents of all county, township, district, and beat officers shall hold their respective offices until their successors are legally appointed or elected, and duly qualified.

SEC. 7. In all cases, not otherwise provided for in this Constitution, the Legislature may determine the mode of filling all vacancies in all offices, and shall define their respective powers, and provide suitable compensation for all officers.

SEC. 8. The Legislature, at its first session, shall provide by law for the sale of all delinquent tax lands. The courts shall apply the same liberal principles in favor of such titles as in sale by execution.

SEC. 9. No laws of a general feature, unless otherwise provided for, shall be enforced until sixty days after the passage thereof.

SEC. 10. It shall be the duty of the Legislature to regulate by law, the cases in which deduction shall be made from salaries of public officers, for neglect of duty in their official capacity, and the amount of said deduction.

SEC. 11. The Legislature, at its first session under this Constitution, shall have authority to designate by law, such loyal paper, or papers, in each Circuit Court District, as shall publish all legal advertising, and such official printing as shall be required by law, in such Circuit Court District, and fix the compensation therefor.

SEC. 12. No corporate body shall, hereafter, be created, renewed, or extended, with the privilege of making, issuing, or putting in circulation, any notes, bills, or other paper, or the paper of any other bank, to circulate as money; and the Legislature shall prohibit by law, individuals or corporations from issuing bills, checks, tickets, promissory notes, or other papers, as money. But nothing herein contained shall be construed as preventing corporations or associations from forming for such purposes, under the acts of Congress for a National system of Banking.

SEC. 13. The property of all corporations for pecuniary profits, shall be subject to taxation, the same as that of individuals.

SEC. 14. The Legislature shall not authorize any county, city, or town, to become a stockholder in, or to loan its credit to any company, association, or corporation, unless two-thirds of the qualified voters of such county, city, or town, at a special election, or regular election, to be held therein, shall assent thereto.

SEC. 15. The Legislature shall never authorize any lottery, nor shall the sale of lottery tickets be allowed, nor shall any lottery heretofore authorized, be permitted to be drawn, or tickets therein to be sold.

SEC. 16. No county shall be denied the right to raise, by special tax, money sufficient to pay for the building and repairing of court-houses, jails, bridges, and other necessary conveniences for the people of the county; and money thus collected shall never be appropriated for any other purposes; *Provided*, The tax thus levied shall be a certain per cent. on all tax levied by the State.

SEC. 17. Liabilities of banks, associations, and other corporations, shall be secured by legislative enactments; but in all cases, no stockholder shall be individually liable over and above the stock by him or her owned, unless so specified in the articles of association or act of incorporation.

SEC. 18. All lands sold in pursuance of decree of courts or execution, shall be divided into tracts not to exceed one hundred and sixty acres.

SEC. 19. Returns of all elections by the people shall be made to the Secretary of State in such manner as may be prescribed by law.

SEC. 20. Taxation shall be equal and uniform throughout the State. All property shall be taxed in proportion to its value, to be ascertained as directed by law.

SEC. 21. The State of Mississippi shall never assume nor pay any debt or obligation contracted in aid of the rebellion, nor shall this State ever in any manner claim from the United States, or make any allowance or compensation for slaves emancipated or liberated in any way whatever since the 9th day of January, 1861.

SEC. 22. All persons who have not been married, but are now living together, cohabiting as husband and wife, shall be taken and held for all purposes in law, as married, and their children, whether born before or after the ratification of this Constitution, shall be legitimate, and the Legislature may by law, punish adultery and concubinage.

SEC. 23. There shall be a Commissioner of Immigration and Agriculture, who shall be elected by the Legislature on joint ballot, who shall hold his office for the term of four years, unless sooner removed by law.

SEC. 24. The next Legislature shall have power to repeal statutes of limitation, pass relief, stay, injunction, insolvent, and homestead laws, and to pass any and every act deemed necessary for the relief of debtors, subject only to the restrictions imposed by the Constitution of the United States.

SEC. 25. Representatives in Congress to fill the existing vacancies shall be elected at the same time this Constitution is submitted to the electors of the State for ratification, and for the full term next succeeding their election; and thereafter the elections for Representatives in Congress shall be held biennially. The first election shall be held on the first Tuesday after the first Monday in November preceding the expiration of said full term.

SEC. 26. Members of the Legislature, and all other officers elected or appointed to any office in this State shall, before entering upon the discharge of the duties thereof, take and subscribe to the following

### OATH OF OFFICE.

"I, —— ——, do solemnly swear (or affirm) that I will faithfully support and true allegiance bear the Constitution of the United States and the State of Mississippi, and obey the laws thereof; that I am not disqualified from holding office by the Constitution of the United States, or the State of Mississippi; that I have never, as a member of any Convention, voted for or signed any ordinance of secession; that I have never, as a member of any State Legislature, voted for the call of any Convention that passed any such ordinance; that I will faithfully discharge the duties of the office upon which I am about to enter; so help me God."

SEC. 27. It shall be the duty of the Legislature to provide by law for the support of institutions for the education of the deaf, dumb and blind; and, also, for the treatment and care of the insane.

SEC. 28. The Legislature shall provide houses of refuge for the correction and reformation of juvenile offenders.

SEC. 29. The county boards shall have power to provide farms and an asylum for those persons who, by reason of age, infirmity, or other misfortune, may have claims upon the sympathy and aid of society.

## ARTICLE XIII.

## ORDINANCE AND SCHEDULE.

### MODE OF REVISING THE CONSTITUTION.

Whenever two-thirds of each branch of the Legislature shall deem any change, alteration, or amendment necessary to this Constitution, such proposed change, alteration, or amendment shall be read and passed by a two-thirds vote of each house respectively on each day for three several days; public notice shall then be given by the Secretary of State at least three months preceding the next general election, at which the qualified electors shall vote directly for or against such change, alteration, or amendment; and if more than one amendment shall be submitted at one time, they shall be submitted in such manner and form that the people may vote for or against each amendment separately; and if it shall appear that a majority of the qualified electors voting for members of the Legislature, shall have voted for the proposed change, alteration, or amendment, then it shall be inserted by the next succeeding

Legislature as a part of this Constitution, and not otherwise; *Provided*, That no amendment which may be made prior to the year one thousand eight hundred and eighty-five, shall in any manner affect the eighteenth section of the Bill of Rights.

## SCHEDULE.

SECTION 1. The Ordinance of Secession of the State of Mississippi, passed January 9, 1861, is hereby declared to be null and void. The present, and all previous Constitutions of the State of Mississippi, are hereby declared to be repealed and annulled by this Constitution.

SEC. 2. All laws now in force in this State, not enacted in furtherance of secession and rebellion, and not repugnant to this Constitution, shall continue in operation until they shall expire by their own limitation, or be altered or repealed by the Legislature, except the hereinafter mentioned laws, to-wit:

"An act to change the name of the county of Jones, and for other purposes," approved December 1, A. D. 1865.

"An act to establish a ferry across the Mississippi river, at Vicksburg," approved November 29, A. D. 1865.

"An act to provide for the removal and location of the seat of justice of Scott county," approved November 8, A. D. 1865.

"An act supplemental to an act entitled an act to provide for the removal and location of the seat of justice of Scott county, approved November 8, 1865," approved December 1, 1865.

SEC. 3. The Legislature shall provide for the removal of causes now pending in the Courts of this State, to Courts created by or under this Constitution.

## ORDINANCE.

SEC. 4. Immediately upon the adjournment of this Convention, this Constitution shall be submitted for ratification to the registered voters of the State, in conformity with the act of Congress passed March 2, 1867, entitled "An Act to provide for the more efficient government of the rebel States," and the acts supplementary thereto.

SEC. 5. The election for the ratification of this Constitution shall commence on the 22d day of June, A. D. 1868, and be held at such places, and shall continue such time as the Commanding General of the Fourth Military District may direct, and the polls shall be kept open from 8 o'clock A. M., until 7 o'clock P. M., each day. At said election all those in favor of ratifying the Constitution shall have written or printed on their ballots, the words, "For Constitution;" and those opposed to the ratification of the same, shall have written or printed on their ballots, the words, "Against Constitution;" but no person shall vote for or against this Constitution on a separate ballot from that cast by him for officers to be elected at said election under this constitution.

SEC. 6. In order to establish a civil government as required by the act of Congress, approved March 2, 1867, and the acts supplementary thereto, an election shall be held at the same time and place, at which the Constitution is submitted for ratification, for all State officers, including members of the Legislature, and for Representatives in Congress, at which election the electors who are qualified under the reconstruction acts of Congress shall vote, and none other.

SEC. 7. The Committee of Five appointed under the authority of this Convention, shall appoint three Commissioners of Election for each county, whose duty it shall be to attend the election for the ratification or rejection of the Constitution; who shall also, at the same time and place, attend the election for all officers and representatives herein ordered, and be present at the counting of the votes, and forward the result of the same to the chairman of said committee within three days thereafter.

SEC. 8. The Legislature elected under this Constitution shall hold its first session in the Capitol, in the city of Jackson, on the second Monday after the official promulgation of the ratification of this Constitution, and shall proceed immediately upon its organization to vote upon the adoption of the fourteenth amendment of the Constitution of the United States, proposed by Congress, and passed June 13, 1866. Said Legislature shall not have power to enact any laws relative to the per diem of members, nor on any other subject, after organization, until said constitutional amendment shall have been adopted.

SEC. 9. The first term of all civil officers, elected at the same time this Constitution is submitted for ratification or rejection, shall commence on the second Monday after their election shall have been officially promulgated, and shall continue to hold from said time until the expiration of the first full term succeeding said election.

SEC. 10. The Commissioners of Election herein provided for, shall receive the same compensation per day, while in attendance upon elections, and allowances for transportation (when actual disbursements have been made), as Registrars, and shall be paid out of any funds in the State Treasury to the credit of the Convention fund, upon the certificate of the Chairman of said Committee of Five.

SEC. 11. The Committee of Five appointed by this Convention are hereby authorized and empowered to adjust all outstanding accounts against the same, and certify to their correctness, and the Auditor of Public Accounts shall issue his warrants in payment thereof.

SEC. 12. When this Convention adjourns, it shall be subject to the call of the Committee of Five appointed thereby; *Provided*, That should the Constitution be ratified, this Convention shall thereafter be deemed adjourned *sine die*. But in case the Constitution should not be ratified, then the Convention may be reconvened by said Committee.

SEC. 13. Said committee shall have authority to employ a Clerk, and to enforce the collection of the taxes levied by the several ordinances of this Convention, and to perform any and all duties appertaining to the same.

SEC. 14. The members of the Committee of Five appointed by this Convention, and the clerk thereof, shall receive the same compensation as the members of this Convention.

SEC. 15. If any candidate receiving the highest number of votes cast, cannot take the oath of office prescribed in this Constitution, then and in that case the candidate receiving the next highest vote shall be entitled to enter upon and perform the duties of the office, upon taking and subscribing to said oath.

B. B. EGGLESTON,
*President, and Delegate from Lowndes county.*
A. ALDERSON, of Jefferson county.
ROBT. J. ALCORN, of Yalobusha county.
HORATIO N. BALLARD, of DeSoto county.
H. W. BARRY, of Holmes county.
CHAS. W. BEAM, of Franklin county.
PERES BONNEY, of Pike county.
N. B. BRIDGES, of Choctaw county.
JNO. C. BRINSON, of Rankin county.
C. CALDWELL, of Hinds county.
EDWARD J. CASTELLO, of Adams county.
CARLOS CHAPMAN, of Covington county.
N. J. CHAPPELL, of Noxubee county.
CHAS. W. CLARKE, of Yazoo county.
S. C. CONLEY, of Attala county.
W. T. COMBASH, of Washington county.
W. BEN. CUNNINGHAM, of Madison county.
A. S. DOWD, of Coahoma county.
AMOS DRANE, of Madison county.
JOHN ELLIOTT, of Itawamba county.
JAMES ELLIOTT, of Monroe county.
JOHN FAWN, of Washington county.
CHARLES W. FITZHUGH, of Wilkinson county.
W. H. GIBBS, of Wilkinson county.
EMANUEL HANDY, of Copiah county.
JERE HAUSER, of Kemper county.
JAMES LEWELLEN HERBERT, of Monroe county.
G. H. HOLLAND, of Choctaw county.
A. R. HOWE, of Panola county.
W. A. HUTTO, of Neshoba county.
HENRY P. JACOBS, of Adams county.
A. J. JAMISON, of Chickasaw county.
A. JOHNSON, of Warren county.
J. H. KERR, of Calhoun county.
M. H. LACK, of Scott county.
W. LAWSON, of Lawrence county.
BENJ. LEAS, of Warren county.

WILLIAM LEONARD, of Yazoo county.
HENRY MAYSON, of Hinds county.
H. MASK, of Tishomingo county.
H. MUSGROVE, of Clarke county.
J. AARON MOORE, of Lauderdale county.
A. T. MORGAN, of Yazoo county.
CYRUS MYERS, of Rankin county.
A. MYGATT, of Warren county.
GEO. C. McKEE, of Warren county.
W. V. McKNIGHT, of Jasper county.
M. T. NEWSOM, of Claiborne county.
W. D. NESBITT, of DeSoto county.
JASON NILES, of Attala county.
U. OZANNE, of Panola county.
FRED. PARSONS, of Adams county.
J. R. PARSONS, of Hinds county.
E. A. PEYTON, of Hinds county.
S. H. POWELL, of Noxubee county.
D. N. QUINN, of Sunflower county.
JEHIEL RAILSBACK, of Bolivar county.
JARED RICHARDSON, of Winston county.
ISHAM STEWART, of Noxubee county.
DOCTOR STITES, of Washington county.
GEO. STOVALL, of Carroll county.
THOMAS W. STRINGER, of Warren county.
EDWARD H. STILES, of Claiborne county.
E. R. SMITH, of Chickasaw county.
H. P. TOY, of Issaquena county.
HENRY W. WARREN, of Leake county.
JAMES WEIR, of Oktibbeha county.
D. McA. WILLIAMS, of Holmes county.
J. B. WOODMANSEE, of Monroe county.
WM. YEOMAN, of Wayne county.

Attest:
THAD. P. SEARS,
*Secretary.*

# APPENDIX.

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## AN ORDINANCE

*To Regulate the Election for the Ratification of the Constitution, and for other purposes, passed by the Mississippi Constituional Convention, May 15th, A. D.* 1868.

SEC. 1. Immediately upon the adjournment of this Convention, this Constitution shall be submitted for ratification to the registered voters of the State, in conformity with the Act of Congress, passed March 2, 1867, entitled "an Act to provide for the more efficient government of the rebel States," and the Acts supplementary thereto.

SEC. 2. The election for the ratification of this Constitution shall commence on the 22d day of June A. D. 1868, and be held at such places, and shall continue such time as the Commanding General of the Fourth Military District may direct, and the polls shall be kept open from eight o'clock A. M., until seven o'clock P. M., each day. At said election all those in favor of ratifying the Constitution shall have written or printed on their ballots, the words, "For Constitution," and those opposed to the ratification of the same, shall have written or printed on their ballots, the words, "Against Constitution;" but no person shall vote for or against this Constitution on a separate ballot from that cast by him for officers to be elected at said election under this Constitution.

SEC. 3. In order to establish a civil government as required by the Act of Congress, approved March 2, 1867, and the Acts supplementary thereto, an election shall be held at the same time and place at which the Constitution is submitted for ratification, for all State officers, including members of the Legislature, and for Representatives in Congress, at which election the electors who are qualified under the Reconstruction Acts of Congress shall vote, and none other.

SEC. 4. The committee of five appointed under the authority of this Convention, shall appoint three Commissioners of Election for each county, whose duty it shall be to attend the election for the ratification or rejection of the Constitution, who shall also, at the same time and place, attend to the election for all officers and representatives herein ordered, and be present at the counting of the votes, and forward the result of the same to the chairman of said committee within three days thereafter.

Sec. 5. The Legislature elected under this Constitution shall hold its first session in the Capitol, in the city of Jackson, on the second Monday after the official promulgation of the ratification of this Constitution, and shall proceed, immediately upon its organization, to vote upon the adoption of the fourteenth amendment of the Constitution of the United States, proposed by Congress, and passed June 13, 1866. Said Legislature shall not have power to enact any laws relative to the per diem of members, nor on any other subject, after organization, until said Constitutional amendment shall have been adopted.

Sec. 6. The first term of all civil officers elected at the same time this Constitution is submitted for ratification or rejection, shall commence on the second Monday after their election shall have been officially promulgated, and shall continue to hold from said time until the expiration of the first full term succeeding said election.

Sec. 7. The Commissioners of Election herein provided for shall receive the same compensation per day, while in attendance upon elections, and allowances for transportation (when actual disbursements have been made), as Registrars, and shall be paid out of any funds in the State Treasury to the credit of the Convention fund, upon the certificate of the chairman of said committee of Five.

Sec. 8. The committee of Five appointed by this Convention is hereby authorized and empowered to adjust all outstanding accounts against the same, and certify to their correctness, and the Auditor of Public Accounts shall issue his warrant in payment thereof.

Sec. 9. When this Convention adjourns it shall be subject to the call of the committee of five appointed by this Convention; *Provided*, That should the Constitution be ratified, this Convention shall thereafter be deemed adjourned *sine die;* but in case the Constitution should not be ratified, then the Convention may be reconvened by said committee.

Sec. 10. Said committee shall have authority to employ a clerk and to enforce the collection of the taxes levied by the several ordinances of this Convention, and to perform any and all duties appertaining to the same.

Sec. 11. The members of the committee of Five, appointed by this Convention, and the clerk thereof, shall receive the same compensation as the members of the Convention.

Sec. 12. If any candidate receiving the highest number of votes cast, cannot take the oath of office prescribed in this Constitution, then, and in that case, the candidate receiving the next highest vote shall be entitled to enter upon and perform the duties of the office upon taking and subscribing to said oath.

# MILITARY ORDER

*Convening the Constitutional Convention, in Pursuance of the Reconstruction Acts of Congress, passed March 23d*, 1867.

HEADQUARTERS FOURTH MILITARY DISTRICT,
(MISSISSIPPI AND ARKANSAS),
OFFICE OF CIVIL AFFAIRS,
*Holly Springs, Miss., Dec. 16th*, 1867.

GENERAL ORDERS
No. 42.

I. At the election recently held in the State of Mississippi, to determine whether a Convention should be called "for the purpose of establishing a Constitution and Civil Government for the State, loyal to the Union," and for delegates thereto, *seventy-six thousand and sixteen* (76,016) votes were cast upon the question of holding such Convention, of which number *sixty-nine thousand seven hundred and thirty-nine* (69,739) votes were cast "For a Convention," and *six thousand two hundred and seventy-seven* (6,277) votes were cast "Against a Convention." The total number of registered voters in the State is *one hundred and thirty-nine thousand three hundred and twenty-seven*, (139,327). The number of votes cast on the question of Convention being in excess of the number required by the Act of Congress approved March 23d, 1867, and a majority of those votes having been cast "For a Convention," the Convention will be held, and will assemble as heretofore directed in General Orders No. 37, current series, from these Headquarters, dated December 5th, 1867.

II. The following delegates were duly elected to the Convention, according to the returns of the officers who conducted said election, and are hereby notified to meet in Convention, as directed in the above mentioned General Orders No. 37, current series, from these Headquarters:

From Adams county, three delegates—Edward J. Castello, Henry P. Jacobs, Frederick Parsons.

From Amite county, one delegate—Charles P. Neilson.

From Attala county, two delegates—Jason Niles, S. C. Conley.

From Bolivar county, one delegate—Jehiel Railsback.

From Calhoun county, one delegate—J. H. Kerr.

From Carroll county, three delegates—George Stovall, Stephen Johnson, Wm. L. Hemmingway.

From Chickasaw county, two delegates—A. J. Jamison, E. R. Smith.

From Coahoma county, one delegate—A. S. Dowd.

From Choctaw and Oktibbeha counties, three delegates—Nicholas B. Bridges, James Weir, George H. Holland.

From Claiborne county, two delegates—Mathew T. Newsom, Edward H. Stiles.

From Clarke county, one delegate—H. Musgrove.

From Covington and Simpson counties, one delegate—Carlos Chapman.

From Copiah county, two delegates—E. G. Peyton, Emanuel Handy.

From Davis and Smith counties, one delegate—V. A. Collins.

From DeSoto county, three delegates—Horatio N. Ballard, Wm. B. Gray, Wm. D. Nesbitt.

From Franklin county, one delegate—C. W. Beam.

From Greene, Perry, and Jackson counties, one delegate—John Moody.

From Hancock and Marion counties, one delegate—Alanson Goss.

From Harrison county (election invalid—new election ordered).

From Hinds county, four delegates—Henry Mayson, E. A. Peyton, Charles Caldwell, John R. Parsons.

From Holmes county, two delegates—H. W. Barry, D. McA. Williams.

From Holmes and Madison counties, delegate at large—R. H. Montgomery.

From Issaquena county, one delegate—Henry P. Toy.

From Itawamba county, one delegate—John Elliott.

From Jasper county, one delegate—Wm. McKnight.

From Jefferson county, two delegates—A. Alderson, O. S. Miles.

From Kemper county, one delegate—Jere Hauser.

From Lafayette county, two delegates—W. G. Vaughan, P. H. McCutchen.

From Lee county, two delegates—W. W. Gaither, D. T. Walker.

From Lauderdale county, two delegates—R. C. Merryman, J. Aaron Moore.

From Lawrence county, one delegate—Wesley Lawson.

From Leake county, one delegate—Henry W. Warren.

From Lowndes county, four delegates—B. B. Eggleston, Joseph W. Field, Isham G. Rainey, Geo. Van Hook.

From Madison county, two delegates—W. Ben. Cunningham, Amos Drane.

From Marshall county, three delegates—John W. C. Watson, Wm. M. Compton, Charles H. Townsend.

From Monroe county, three delegates—J. B. Woodmansee, James L. Herbert, James Elliott.

From Neshoba county, one delegate—Wm. A. Hutto.

From Newton county, one delegate—J. E. Longmire.

From Noxubee county, three delegates—S. H. Powell, Isham Stewart, N. J. Chappell.

From Panola county, two delegates—A. R. Howe, U. Ozanne.

From Pike county, one delegate—Peres Bonney.

From Pontotoc county, one delegate—Thomas W. Jones.

From Rankin county, two delegates—Cyrus Myers, John C. Brinson.

From Scott county, one delegate—Moses H. Lack.

From Sunflower county, one delegate—David N. Quinn.

From Tallahatchie county, one delegate—S. C. Barnes.

From Tunica county, one delegate—John M. Phillips.

From Tippah county, two delegates—Wm. Nelms, W. T. Stricklin.

From Tishomingo county, two delegates—H. Mask, Terry Dalton.

From Warren county, five delegates—A. Mygatt, G. C. McKee, B. Leas, T. W. Stringer, A. Johnson.

From Washington county, three delegates—John Fawn, Doctor Stites, Wm. T. Combash.

From Wayne county, one delegate—William Yeoman.

From Wilkinson county, two delegates—William H. Gibbs, Charles W. Fitzhugh.

From Winston county, one delegate—Jared Richardson.

From Yalobusha county, two delegates—Robert J. Alcorn, W. J. Lilley.

From Yazoo county, three delegates—Charles W. Clarke, William Leonard, A. T. Morgan.

Each delegate elect will be furnished from these Headquarters with an official copy of this order, which will constitute his certificate of election.

By command of Brevet Major General Ord:

O. D. GREENE,
*Assistant Adjutant General.*

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## MILITARY ORDER

*Providing for the Ratification of the Constitution and the Election of State Officers, including Senators and Representatives in the State Legislature and Members of the House of Representatives of the United States Congress.*

HEADQUARTERS FOURTH MILITARY DISTRICT,
(MISSISSIPPI AND ARKANSAS,)
VICKSBURG, MISS., May 19, 1868.

GENERAL ORDERS
No. 19.

I. The Mississippi Constitutional Convention, convened at Jackson, Mississippi, in compliance with General Orders No. 37, series of 1867, from these headquarters, having framed a Constitution and civil government in conformity with the laws of the United States, known as the "Reconstruction Acts," and having provided for the submitting of said Constitution to the registered voters for ratification or rejection, and having provided for an election of State officers, including Senators and Representatives in the State Legislature, and members of the House of Representatives of the United States Congress, at an election to be conducted by and under the orders of the Commanding General of the District, said election is by authority of the above cited laws and in accordance with an ordinance of said Convention, hereby ordered to be held in Mississippi, beginning the 22d day of June, 1868, and continuing until completed, as hereinafter prescribed, at which election the qualified electors, may vote "For Constitution," or "Against Constitution," and also upon the same ballots for the officers herein referred to.

II. Commencing fourteen days before the election, the Boards of Registration will meet at the county seat or such other place in their respective counties as will be the most accessible to the people, after reasonable public notice of the time and place thereof has been given by the retained registrar, by means of a general and thorough distribution and posting of the printed notices furnished from these Headquarters for that purpose, and revise for a period of five days the registration lists, and, upon being satisfied that any person not entitled thereto has been registered, will strike the name of such person from the list, and such person shall not be allowed to vote. The Boards will also, during the same period, add to the registry the names of persons who, at the time possess the qnalifications required by law, and who have not already registered. All changes made in the registration lists will be, immediately upon the termination of the period mentioned, reported by letter to these Headquarters. These reports must show the names of the person added or erased, the precinct and the number of the certificate of registration. In cases of erasure the reason will be given. If no changes are made that fact must be reported.

III. In order to secure as nearly as possible a full expression of the voice of the people, the election will be held at each precinct of every county of the State of Mississippi, and, as required by law, under the supervision of the County Boards of Registration. The method of conducting the election in each county will be as follows: At the meeting provided for in the foregoing paragraph each Board of Registrars will divide the whole number of election precincts of their respective counties into three portions, as nearly equal in number as possible, and assign one of the shares thus made to each registrar, who will be responsible for the proper conduct of the election therein. Thereupon each registrar will appoint a judge and clerk of election, who, with himself, will constitute the "Commissioners of Election," for all the precincts of his district. Each registrar will provide himself with a ballot-box, with lock and key, and of sufficient size to contain the ballots of all the registered voters in his entire share of the county. Each registrar will give full and timely notice throughout his district of the day of election in each precinct, by means of handbills furnished for that purpose, so that he, with his judge and clerk, can proceed from precinct to precinct of his district, and hold election on consecutive days—when the distance between precincts will permit—with a view to the early completion of the voting. The election will be by ballot, and will be conducted, in all details not herein prescribed, according to the custom heretofore in use in the State. Each ballot will have written or printed upon it: "For Constitution" or "Against Constitution," and the names of the officers voted for. The Commissioners of Election will, at any precinct in their share of the county, receive the votes of persons registered in that share. Each voter, in offering his ballot, must exhibit his certificate of registry, across the face of which the clerk of election will write his name in red ink, and the word "Voted," with date, thus canceling the certificate, and indicating that a vote has been cast upon that certificate at this election; at the same time the registrar will check off the voter's name on the precinct book, serving as "poll book." The polls will be opened at 8 o'clock, A. M., at each precinct, and will be kept continuously open until 7 P. M., at which time the polls will be closed. Before opening the polls, the ballot-boxes will be opened and inspected by the Commissioners of Election, to ascertain that they then contain no ballots, and in this condition, will be exposed to the view of the persons who may be in attendance. Then, in public, they will be closed, locked, and the locks sealed. The ballot-boxes will not be unlocked or opened until the election in the county is ended. Each day at the close of the election, the opening in the boxes through which the ballots are deposited, will be closed by a covering of thick paper, securely sealed with wax. This covering will be preserved until voting is resumed. The sealing and opening of the boxes, in the manner directed, will be done in public.

The registrars will begin the election at the most remote precincts, and proceed by the most practicable route, from precinct to precinct, to the county seat or other place where the revision of the registration may have been held, and upon the arrival thereat of all the Commissioners of Election they will at once open one poll and hold the election one day for that precinct; at which poll, however, any registered voter of the county, who has not previously voted, may cast his ballot. The voting at this poll will close the election for the county. Within twenty-four hours after the closing of the election in each county, the ballot-boxes will be opened, the ballots counted, and return of the election made upon the blank forms prescribed and furnished, and delivered to the hands of a registrar to be hereafter designated, who will at once bring them to Headquarters. Before the opening of the ballot-boxes the registrars will invite at least one suitable person of each political party to be in attendance during the counting of the ballots and the making up of the return. Such persons will be afforded a fair opportunity of seeing that no frauds are committed, but in no instance and under no pretence will any return be made by the Commissioners of Election except in the manner above prescribed.

IV. Judges and clerks of election will be selected by registrars, preferably, from among the residents of their respective districts; but if they cannot be obtained therein, competent and qualified under the law, then from among the residents of the county; and if not obtainable in the county, then from the State at large. They are required to take and subscribe to the oath of office prescribed by the Act of Congress of July 2d, 1862, which oath may be administered by the registrar. The oaths, properly subscribed, will be forwarded immediately for file in the office of the Acting Assistant Adjutant General at these Headquarters.

The pay of these officers will be six dollars per diem for each day they are actually employed on their legitimate duties, and their actual expenses of transportation within the county.

V. In accordance with the Act of Congress, which became a law March 11th, 1868, any person duly registered in the State of Mississippi will be permitted to vote in the election precinct where he offers to vote, when he has resided therein ten days next preceding the election, upon presentation of his certificate of registration, showing that he has not voted at this election, and upon making oath before the Commissioners that he has resided in said precinct for the time specified. All ballots received under the provisions of this paragraph will be firmly appended to the oath, and in this manner joined, transmitted with the returns and other ballots, to these Headquarters. Blank oaths, for the use of voters under the provisions hereof, will be furnished to the Commissioners of Election from these Headquarters.

VI. The Commissioners of Election will prepare and forward with the election returns a list of the registered electors in each precinct who have not voted at this election, and a list of all voters under the provisions of the foregoing paragraph, who have voted at this election. Such lists will show the name of each person, whether white or colored, the number of his certificate of registration and the precinct in which he is registered.

VII. None but registered voters will be permitted to challenge the right of others to vote, and no challenge, except as to residence and identity, will be entertained. While it is the imperative duty of Commissioners to do their utmost to ensure the purity of the election, care must be taken to prevent the abuse of the right to challenge by evil disposed persons who may desire to impede the election.

VIII. The Sheriff of each county is made responsible for the preservation of good order, and the perfect freedom of the ballot at the various election precincts in his county. To this end he will appoint a deputy—who shall be duly qualified under the laws of the State—for each precinct in the county, who will be required to be present at the place of voting during the whole time the election is being held. The said deputies will promptly and fully obey every demand made upon their official services in preserving the peace and good order by the Commissioners of Election. Sheriffs, in making their appointments, will exercise great care to select men whom they know to be in every way able to serve. Deputies appointed in accordance with the foregoing, will be paid five dollars for the day's service, on accounts approved by the registrar, out of the reconstruction fund.

IX. As an additional measure for securing the purity of the election, each registrar, judge, and clerk, is hereby clothed with all the functions of a deputy sheriff or constable, and is empowered to make arrests, and authorized to perform all duties appertaining to such officers, under the laws of the State, during the days of election.

X. At every precinct, on the days of election, all public bar-rooms, saloons, or other places at which intoxicating or malt liquor is sold at retail, will be closed. Should any infraction in this respect come to the knowledge of the commissioners of election, or the deputy sheriff in attendance, they will immediately cause the arrest of the offending party, or parties, and the closing of his, or their place of business. All parties so arrested will be placed under bonds, of not less than one hundred ($100), to appear for trial when required by proper authority, or in case of failure to give the required bond, will be held in arrest to await the action of the General commanding.

XI. The carrying of fire arms or other deadly weapons at or in the vicinity of the polls, is positively prohibited, under penalty of forfeiture of the weapons and of being punished as prescribed by the statutes of the State forbidding the exhibition of deadly weapons in a threatening manner. All arms seized under this order will be turned into the nearest post commander, for shipment to the chief ordinance officer of the district.

XII. Should violence or fraud be perpetrated at the election in any precinct, the General commanding will exercise, to the fullest extent, the powers vested in him for the purpose of allowing to all registered electors an opportunity to vote freely and fearlessly, and any provision in any contract tending to abridge the right to vote is hereby declared utterly null and void.

XIII. No registrar, judge or clerk will be permitted to become a candidate for any office in this State at this election, nor will they be permitted to exercise the functions of any office or authority connected with the election other than that received from these Headquarters.

XIV. The evident intention of the law under which this election is held being to obtain an expression of the will of the qualified electors, it is ordered that all officers of the army and agents of the Bureau of Refugees, Freedmen and Abandoned Lands, shall entirely abstain from public speaking, electioneering or endeavoring to influence voters; but this order is not intended to restrict either class of the above named officials in their duty of instructing Freedmen as to their *rights* as electors.

By command of Brevet Major General Alvin C. Gillem:

JOHN TYLER,
*1st Lieut. 43d Inf., Brevet Maj. U. S. A., A. A. A. G.*

Official:
WM. ATWOOD,
*1st Lieut. 19th Inf., A. A. G.*

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